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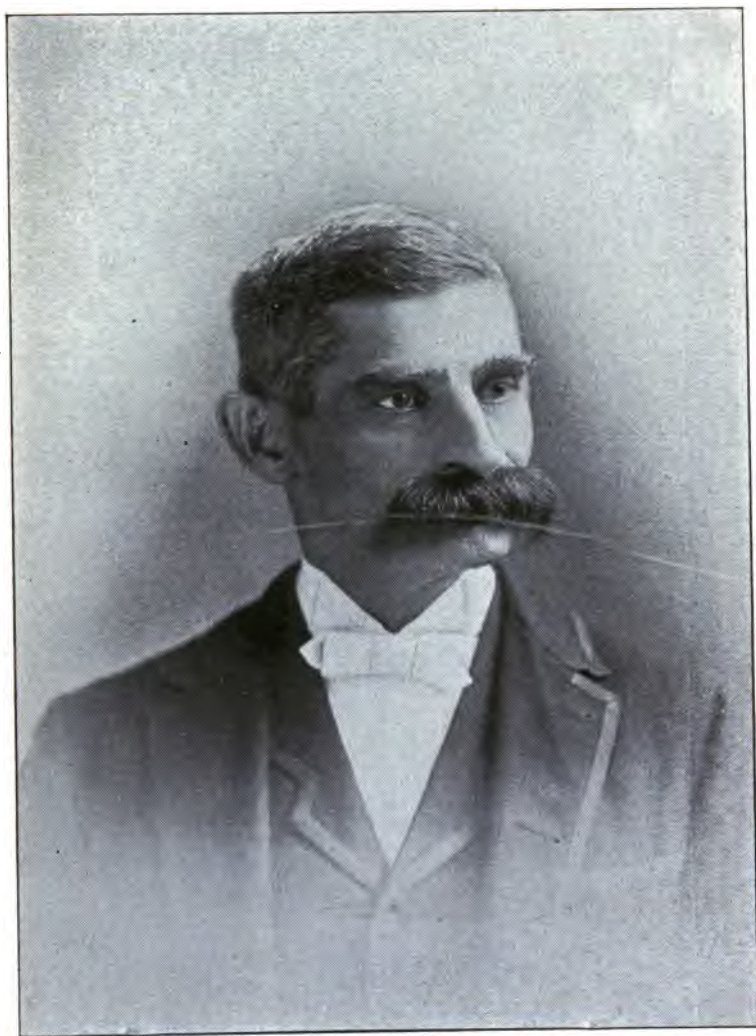












Thomas G. Hayes,  
Mayor.



Baltimore, Md. - Charters

THE  
NEW CHARTER  
OF  
BALTIMORE CITY

❖ ❖  
REVISED EDITION  
❖ ❖

Containing Amendments and New Laws Passed by Maryland  
Legislature of 1900.

❖ ❖ ❖  
  
BALTIMORE:  
PRESS OF THE SUN PRINTING OFFICE,  
1900.

C



BALTIMORE, MD., May 5th, 1900.

This revised edition of the New Charter contains all the local laws passed by the General Assembly at its Session of 1900. These laws I obtained, and prepared from them the copy which the printer used. Those laws which modified sections of the New Charter, are inserted in the proper place in lieu of the old sections ; those laws which did not change the old sections, but were new enactments, are printed in their entirety at the end of the book.

The only modifications of the original charter by these laws were to correct certain minor matters in certain details, which I drafted myself, and believed would be an improvement in the existing law.

The original charter was not altered in any respect, except as given in these laws, and these changes were accepted by the friends of the original charter.

THOMAS G. HAYES,

*Mayor.*

## REPORT OF COMMISSION.

---

BALTIMORE, January 27, 1898.

*To the Honorable General Assembly of Maryland:*

The Commission appointed pursuant to the ordinance of the Mayor and City Council of Baltimore, approved November 24, 1897, to draft a new Charter for the City of Baltimore, herewith, as directed by said ordinance, respectfully submit the result of their labors.

After mature deliberation the Commission decided at the beginning of their work of preparing a new organic Act for the City of Baltimore, to be governed by certain well-defined and recognized principles relating to municipal government, which had been found in other cities to be beneficial and which it was thought were fundamental and necessary, if there were to be an improvement on the present law relating to the City of Baltimore. Some of these controlling principles were:

1. To locate responsibility upon public officials in such a manner that it could not be evaded.
2. To give representation to the minority party in all departments, when composed of more than one person, so that an opportunity might be given to the minority to scrutinize the actions of the party in power.
3. To hold municipal elections at a different time from the State and Federal elections, in order to separate municipal affairs from the influence of the political issues which are necessarily involved in State and Federal elections.

4. To require the appointment of experts in all departments where professional knowledge and skill are required.
5. To grant the use of the streets and other public property for limited terms, and to the highest bidder, subject to the control and regulation of the City during the period of the grant.
6. To check hasty legislation, especially in matters relating to expenditure of the public moneys, and to prohibit the creation of floating debts.
7. To remove the public school system from all possible political influence.
8. To place the indigent sick and poor, when their treatment, care or support is paid for by the City, under the supervision of City officials.

The most advanced and improved forms of municipal government, as far as the Commission have been able to ascertain, have had incorporated in them the placing of the power of appointment in one person. It might well be urged that this is conferring too much power upon one man, that the appointing power in City government should be distributed; but experience has shown that by centralizing the appointing power the responsibility for official conduct can at once be definitely fixed. The Charter submitted places the power of appointing the heads of all departments and their respective sub-departments in the chief executive of the City, the Mayor, where it properly belongs. The Commission have not taken the extreme position of making the Mayor absolute in regard to this power of appointment. His appointments must be confirmed by the Second Branch of the City Council. The power of appointing all subordinates and employees in the several departments and sub-departments is in each case lodged in the head of the department. The Commission have to this extent endeavored to carry out the single-executive-head system, which has been

tried in other cities with good results. It is hoped with this system, as now recommended, the Mayor will be more careful in appointing heads of departments or sub-departments, and the various heads so appointed will also be more careful in selecting competent subordinates.

The principle of representation from the minority party in all departments, boards or commissions, where composed of more than one person, is carried out in the proposed Charter. This will not prevent the successful party at the municipal election from adopting and carrying out any policy or reforms which, in its judgment, might be right and proper, and will in no way interfere with the administration of public affairs by the successful party ; but it will afford to the minority at all times a right of representation in the City government, and will give it an opportunity of scrutinizing the actions of the party in power.

The feature of the spring elections is designed for the distinct purpose of separating the municipal elections from those of the State and Nation. It must be conceded that in order to make a good Mayor of a large and prosperous business centre like Baltimore there is no inherent necessity for his belief in one rather than another of the principles which separate the leading political parties. These State and National questions are invariably discussed and made issues at all the November elections, and it is difficult to remove from the influence of these discussions municipal affairs when the elections are held at the same time. The spring elections, it is hoped, will enable the citizens of Baltimore to eliminate everything from their municipal campaigns except that which pertains to the best business administration of the City, and will present to the voters an opportunity of electing such of the municipal candidates as are most likely to ensure good municipal government.

The provisions of the Charter placing experts at the head of the various departments and sub-departments where professional knowledge is required, are expected to secure to the City the best service of men of competent knowledge and experience in the departments placed under their charge. The Commission have adopted the following general provision wherever expert knowledge is required: "He must have had at least five years' experience in the active practice of his profession and have had responsible charge of work for at least that length of time." Experts are required in the following offices: City Engineer, Water Engineer, Harbor Engineer, Inspector of Buildings, and Commissioner of Health. It was deemed advisable for the best interests of the City to put the entire subject of public improvements under the direct control and supervision of a board of experts, styled the Board of Public Improvements. On this Board the Charter submitted, places three civil engineers and an architect, and all matters are referred to them when involving questions of new public buildings, additional harbor facilities, a sewerage system, extension or improvement of streets, the erection of bridges and other similar work.

The proposed Charter requires that the grant of franchises or rights in, over or under the streets or in other public property shall be made for only limited periods (twenty-five years), and also provides that in all ordinances granting such franchises or rights provision can be made for the reverting to the City at the expiration of the grant, of the plant and its appurtenances, and gives power to the City to operate and control the same, if it should prove desirable. All franchises or rights in the highways of the City are to be sold under the supervision of the Board of Estimates. Under no circumstances can the City divest itself of the right or power to regulate the exercise of the franchise or right granted.

The Commission have also endeavored to protect the public

interests in relation to the finances of the City by the provision of the proposed Charter in regard to the Board of Estimates. This Board is composed of the highest officials of the City government, that is to say, the Mayor, who is the chief executive officer of the City and elected by the people; the City Solicitor, who is appointed by the Mayor and is the head of the Law Department, and who will always be a prominent member of the bar; the Comptroller, who is also elected by the people and responsible to them, and who is the head of the Finance Department; the President of the Second Branch of the City Council, a representative member from the legislative branch of the City government, and, finally, the President of the Board of Public Improvements, who is the City Engineer, and will be an expert in engineering. It is believed that by this strong combination of leading City officials, representing every branch of the municipal government, the financial interests of the City will be carefully guarded and that the welfare of the citizens will always be the controlling motive in the deliberations and actions of the Board. The duties of this Board are comprehensive in their nature and include the general control of the financial policy of the City. In the preparation of the lists of "Departmental Estimates," "Estimates for New Improvements" and "Estimates for Annual Appropriations," called for by the proposed Charter, the entire appropriations of public funds are embraced. It may, therefore, be expected that the composition of this Board of the highest municipal officers and representatives of the City government will furnish a guarantee in the future against extravagance and the reckless expenditure of public moneys. The provisions of the Charter submitted relating to the Board of Estimates are sufficiently comprehensive to furnish to the municipality opportunities for a safe and conservative financial policy and to prevent the public debt from advancing beyond a safe percentum of the taxable basis. Ample

provisions are made for conducting the City government, and no floating debt can be created. The Board of Estimates, in the ordinance they annually submit, providing for the expenditures by the City for the ensuing year, take into consideration all the disbursements, and if the income is insufficient to meet these expenditures there must be a *pro rata* reduction in all departments. If there is a surplus it must be paid over to the Finance Commissioners to be credited to the general sinking fund. By this provision it is hoped that the sinking fund will be greatly benefited. When any ordinance for public improvements exceeding in cost the sum of \$2,000 has passed its first reading in either Branch of the City Council it shall be referred to the Board of Public Improvements for their opinion as to whether or not the wants of the City require the improvement mentioned in the ordinance submitted, and when this Board give their report on this ordinance it is then referred to the Board of Estimates for their opinion as to whether or not there is or will be sufficient money in hand to pay for the contemplated improvement. Until both of these Boards report upon the ordinance it cannot become valid. It will be readily seen that in this manner hasty legislation will be checked, and it is probable that only such ordinances for public improvements will be passed for which there is sufficient cash on hand to pay and which the requirements of the City demand. By these provisions it is believed a step will be taken in the direction of a regular and systematic reduction of the enormous debt which now hangs over the City of Baltimore and a check placed upon the expenditure of its money, so as to keep the expenses and appropriations of the City government entirely within its means.

The provisions of the proposed Charter relating to the public school system have been framed after careful consideration and research respecting the systems in force in various cities of importance. It provides for the appointment of the School



Commissioners, nine in number, by the Mayor, subject to confirmation by the Second Branch, for a term of six years each, three of them to retire at the end of every two years. It is submitted that a long term, together with the other provisions which have been inserted, will cause the affairs of the schools of Baltimore to be administered by competent men, independent of partisan and ecclesiastical ties. The endeavor has been made to secure three things: First, oversight of the schools by a Board of Commissioners so selected as to ensure conservative administration and full responsibility; second, attention to the details of school management by a body of qualified Superintendents, and, third, the maintenance of popular interest in the public schools by means of a large number of local school visitors, one or more of them from the immediate neighborhood of each school-house.

The Charter submitted gives to the City a supervision over all persons who come under the class of indigent sick and poor. All money appropriated by the City for the care of its poor shall be by contract with the various institutions which care and provide for the poor of Baltimore. No money is to be appropriated except under contract, and the Supervisors of City Charities are to have supervision over all persons who are subjects of municipal aid.

The Legislative Department remains substantially as at present, except that the Second Branch is smaller, and that one-half are always old and experienced members. The legislative functions of the City Council are in no wise impaired. Not one cent of the public money can be spent until the City Council, by ordinance, makes an appropriation.

The Commission have had before them the great need of increased revenue to meet the constantly growing wants of the City. To this question the members of the Commission have given their most serious thought. Taxes today are burdensome on the owners of land and houses, and to meet the wants

of the City this burden must be largely increased unless the revenue of the City can be increased from other sources. The Commission have proposed to so modify the law as to give to the City all the fees collected by it from liquor licenses. A Supplementary Act accompanies the Charter, providing that the counties shall retain the fees collected by them from the same source. The Commission feel that they would not be performing their full duty if they did not urge upon the Legislature the necessity for this change and the adoption of the provisions as to these fees contained in the proposed Charter.

Another Supplementary Act provides for certain limitations on the power of the City as to contracting debts. This provision is a proper one and should be adopted.

The Commission believe that the Charter herewith submitted will, if adopted, remedy many of the faults of the old law, and provide such a law as will materially contribute to the future development and prosperity of the great metropolis of Maryland.

WILLIAM PINKNEY WHYTE, *Chairman*,  
FERDINAND C. LATROBE,  
DANIEL C. GILMAN,  
SAMUEL D. SCHMUCKER,  
GEORGE R. GAITHER, Jr.  
THOMAS IRELAND ELLIOTT,  
THOMAS G. HAYES,  
LEWIS PUTZEL,

*New Charter Commission.*

FREDERICK T. DORTON, Secretary.

BALTIMORE, February 23, 1898.

We have examined the annexed Charter, adopted by the Commission on the 27th of January, 1898, and give it our full and hearty approval.

ROBERT C. DAVIDSON,  
NICHOLAS P. BOND.

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## CHAPTER 123.

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AN ACT TO REPEAL ARTICLE 4, ENTITLED "CITY OF BALTIMORE," OF THE CODE OF PUBLIC LOCAL LAWS OF MARYLAND, AND THE SEVERAL ACTS AND PARTS OF ACTS AMENDATORY THEREOF, AND TO RE-ENACT SAID ARTICLE 4, WITH AMENDMENTS, UNDER TWO SUB-TITLES, TO BE KNOWN AS "CHARTER" AND "MISCELLANEOUS LOCAL LAWS."

SECTION I. *Be it enacted by the General Assembly of Maryland,* That Article 4, entitled "City of Baltimore," of the Code of Public Local Laws of Maryland, and the several Acts and parts of Acts amendatory thereof, be and the same are hereby repealed, and the said Article 4 is hereby re-enacted, with amendments, under two sub-titles to be known as "Charter" and "Miscellaneous Local Laws," so as to read as follows :

### ARTICLE IV.

#### CITY OF BALTIMORE.

##### CHARTER.

##### MAYOR AND CITY COUNCIL OF BALTIMORE.

##### *Corporate Name, Power to Hold Property, Annex.*

1. The inhabitants of the City of Baltimore are a corporation, by the name of the "Mayor and City Council of Baltimore," and by that name shall have perpetual succession, may sue and be sued, may purchase and hold real, personal and mixed property, and dispose of the same for the benefit of said City, as herein provided, and may have and use a common seal, which may be altered at pleasure.

2. All of the property and franchises of every kind belonging to or in possession of the Mayor and City Council of

Baltimore are vested in said corporation. The said corporation may receive in trust, and may control for the purposes of such trust, all moneys and assets which may have been or shall be bestowed upon it by will, deed or any other form of gift or conveyance in trust for any general corporate purpose, or in aid of the indigent poor, or for the general purposes of education, or for charitable purposes of any description within the said City. And the said corporation may dispose of, in the manner and upon the terms in this Article provided, any property belonging to it.

3. All the provisions of the Constitution of the State and of this Article shall be applicable to the portions of Baltimore County, which, under the terms and provisions of the Act of 1888, Chapter 98, have been annexed to the City of Baltimore. All streets, avenues, or alleys lying in any portion of Baltimore County, which, under the provisions of said Act of 1888, Chapter 98, became a part of Baltimore City, and which shall have been legally condemned as streets under the provisions of the Acts of Assembly of Maryland relating to streets in Baltimore County, shall be held to be validly constituted streets of Baltimore City in all respects as if the same had been legally condemned as such by the Mayor and City Council of Baltimore ; and all proceedings for the laying off, opening, grading and construction of streets, avenues or alleys, which shall have been begun under Article 3, of the Public Local Laws, title " Baltimore County," sub-title " Streets," shall be proceeded with and completed under said Article and sub-title.

4. Until the year nineteen hundred, the rate of taxation for City purposes upon all landed property situated within the said territory annexed to Baltimore City by the Act of 1888, Chapter 98, and upon all personal property liable to taxation in said territory, whether owned by persons, corporations or otherwise, and upon which taxes would be paid to Baltimore County, if said territory had not been annexed to the said City, shall at no time exceed the tax rate of Baltimore County for the year eighteen hundred and eighty-seven ; and until the year nine-

teen hundred there shall not be, for the purpose of City taxation, any increase in the present assessment of such property as it is now assessed ; and all property in the said territory which is not now assessed, but which may be within the same period liable to assessment, shall be assessed at the same rate as similar property is now assessed in said territory ; and during the said period, up to the year nineteen hundred, the City of Baltimore shall expend within said territory an amount at least equal to the amount of revenue derived from taxation on the basis herein set forth from the said territory, in affording to the residents within said territory the rights and privileges accorded to and enjoyed by the residents within the other wards of said City; but nothing in this section shall be so construed as to require the expenditure by said City of any greater sum. From and after the year nineteen hundred, the property, real and personal, in the said territory so annexed shall be liable to taxation and assessment in the same manner and form as similar property within the other wards of said City may be liable; *provided*, however, that after the year nineteen hundred, the Baltimore County rate of taxation for the year eighteen hundred and eighty-seven shall not be increased for City purposes on any landed property within the said territory until avenues, streets or alleys shall have been opened and constructed through the same, nor until there shall be upon every block of ground so to be formed, at least six dwelling or store houses ready for occupation.

5. The annexation to the City of Baltimore of the territory described in the Act of 1888, Chapter 98, shall not affect the right of any turnpike or toll-road company heretofore chartered by this State from collecting tolls upon such parts of their said roads as lie within said territory, nor shall any provision in the charter of said companies which prohibits the erection of a toll-gate within one mile of Baltimore City, operate to require the removal of any toll-gates now located within said territory. But the Mayor and City Council of Baltimore shall have the power to purchase or condemn from said companies such portions of their several turnpike roads as lie within the City, or to

arrange with the said companies for the removal of their turn-pike gates beyond the City limits, and to appropriate such sums of money as may be necessary to carry out these objects.

### *General Powers.*

6. The Mayor and City Council of Baltimore shall have full power and authority:

*Buildings.*—To direct in what part of the City of Baltimore buildings of wood shall not be erected. To regulate and establish the size of bricks that are to be used in the houses to be built in the City of Baltimore. To provide for the entry into and examination of all dwellings, lots, yards, enclosures and buildings, cars, boats and vehicles of every description, to ascertain their condition for health, cleanliness and safety; for the taking down and removal of buildings, walls, structures or superstructures that are or may become dangerous, or to require owners to remove them or put them into a safe and sound condition at their own expense. To regulate the building and maintenance of party walls, partition fences, parapet and fire walls, smoke flues, fire-places, hot-air flues, boilers, kettles, smoke stacks and stove-pipes. To provide for and regulate the safe construction, inspection and repairs of all private and public buildings within the City; and to compel the consumption of smoke, and make such regulations as may be deemed necessary to prevent the same from becoming deleterious or offensive to health. To regulate, restrain or prohibit the erection of wooden or frame buildings within the present limits of the City and to remove the same at the owner's expense when erected or suffered to remain contrary to law or ordinance. To regulate the height, construction and inspection of all new buildings hereafter erected in said City; and the alteration and repairs of any buildings already erected or hereafter to be erected in said City, and the ordinance regulating the construction and inspection of buildings in said City, passed by the City Council and approved by the Mayor October 23, 1891, is hereby authorized and legalized, in the same manner as if full authority had been given by the General Assembly for the passage of the same prior to its enactment. To regulate the limits

within which it shall be lawful to erect steps, porticoes, bay windows or other structural ornaments to houses fronting on any of the streets, lanes or alleys of said City.

*Carriages.*—To license and regulate all carriages and other vehicles owned or used for the purpose of business or pleasure, and also all hackney coaches, carriages, carts, drays, omnibuses, wagons and other vehicles, kept for hire or hired in said City; and also to license and regulate the employment of all hackmen, draymen, wagoners, carters, porters and watermen, plying for hire within the limits, and to pass all necessary and proper regulations respecting the same; provided, however, that all revenue arising from said licenses shall be applied to the paving or repaving of the public highways of the City. Every carriage, coach, or other vehicle moved by horses or other animal power, which shall be used for the conveyance of persons within the City of Baltimore for hire or compensation, shall be deemed a hackney carriage. To regulate the breadth of the wheels of wagons, carts and drays to be used for hauling burdens on the streets of said City, but such regulations shall not affect persons hauling produce to said City.

*Chimneys.*—To license and regulate the sweeping of chimneys and fix the rates thereof, and to regulate the sweeping of any chimney by the neglect of which the City may be endangered, and to ascertain and regulate the width of those to be built in the City.

*Condemnation of Property.*—To acquire, by purchase or condemnation, any land or property, or any interest therein, which it may require for school-houses, engine-houses, courthouses, markets, streets, bridges and their approaches, the establishment or enlargement of parks, squares, gardens or other public places, or for any other public or municipal purpose, and may provide such methods of condemnation of any land or property, or interest therein, situated wholly or partly within the City of Baltimore, as it may deem proper; under such procedure as it may adopt, it shall provide for reasonable notice to the owner or owners, and for appeals to the Baltimore City Court, by any person interested, including the Mayor and City Council of

Baltimore, from the decision of any Commissioners or other persons appointed to value any such land or property, or interest therein. Nothing herein contained shall be construed as depriving the City of any power of condemnation for any purpose already vested in it.

*Fire.*—To establish and regulate fire wards and fire companies, and all matters pertaining to the prevention and extinguishment of fires. To appropriate a sum of money annually for the relief of disabled and superannuated firemen, for the relief of the widows and children of firemen who have been killed in the discharge of duty, and to provide by general ordinance for giving pensions to employees of the Baltimore Fire Department who may become unable to perform further service, by reason of age, or other physical or mental disabilities. To retire from office in the Fire Department any permanent or called member thereof who has become permanently disabled while in the actual performance of duty, or has performed faithful service in the department for a period of not less than twenty consecutive years, and placing the member so retired upon a pension roll, the amount of annual pension to each pensioner to be an amount equal to one-half the yearly amount then being received by him, for service in said department at the time of such retirement, per annum, payable in monthly installments. To appropriate annually such sums of money as shall be sufficient to pension all such members of the Fire Department as shall be upon the pension roll. To regulate the evil and pernicious practice of firing or discharging crackers within the limits of said City, either by prohibiting sale of the crackers or otherwise. To erect and provide magazines for the storage of gunpowder brought to the City, and to compel the storage of same therein, and to regulate the price of said storage. To regulate the storage of naval stores and other combustible matter in such quantities or in such places in the City as may be deemed dangerous. To provide for the inspection of oils or fluids made from petroleum or its products, to be used for illuminating purposes, offered for sale in the City of Baltimore, and for the appointment of inspectors for that purpose, and to impose such fines and penalties as it may deem necessary and proper in the premises. To fix by ordinance the

standard or flashing point of oils, of fluids made from petroleum or its products, used for illuminating purposes, and offered for sale in said City, and to provide for the inspection of the same, and for the appointment of inspectors for that purpose.

*Fish.*—To regulate the sale or disposition of fish within the limits of the City of Baltimore; to impose fines or penalties for the violation of any regulation it may establish.

*Fruits, Meats, Vegetables and Other Articles.*—To license and regulate the sale of fresh fruits, meats, vegetables and all other perishable articles in the City of Baltimore.

*Harbor, Docks and Wharves.*—To provide for the preservation of the navigation of the Patapsco River and tributaries, including the establishment of lines outside the limits of said City and within four miles thereof, beyond which no pier, bulkhead or wharf may be built or extended; and for cleaning and deepening the harbor, docks and basin, and for regulating the stationing, anchoring and mooring of vessels, and to make such rules and regulations from time to time respecting same; to make surveys or charts of the basin, harbor and river Patapsco, and to ascertain the depth and course of the channel of same, and if necessary, affix buoys or water marks for facilitating and rendering more safe the navigation thereof. To prohibit any person or persons from throwing into the Patapsco River or any of the branches thereof, any earth, sand or dirt, or laying out on the beach or shore of said river, below common high-water mark, any earth, sand or dirt, unless such earth, sand or dirt be first well secured by stone walls, dove-tailed log pens, or otherwise, so that no part thereof may wash into said river or the branches thereof. To cause the basin and harbor, and such parts thereof as it may deem proper, to be cleansed, scoured, cleared and ballasted, and all obstructions in and upon the same, whether from vessels sunken or any other cause, to be removed, and may levy reasonable port fees on every vessel entering or clearing from said port. To make such regulations as it may deem proper respecting wharves and wharfage, and the keeping of wharves in repair, so as to prevent their injuring the harbor and basin, and for preventing vessels from casting filth

or ballast into the same, and to prevent filth, earth or soil from being thrown from the wharves or land into said basin or harbor, so as to fill up the same or obstruct the navigation thereof. To impose such fines for the breach of any ordinance or ordinances passed in conformity therewith, not exceeding one hundred and fifty dollars. To assess, levy and collect on every thousand feet of lumber floating into or arriving at the Port of Baltimore and washed therein, a sum not exceeding thirty cents per thousand feet, board measure (except all lumber floating into or arriving at said port for the purpose of being sawed in said City or its vicinity, and all timber to be used for masts, spars and wharfing timber), to be appropriated and applied by the Mayor and City Council of Baltimore for carrying into effect the rules and regulations which it may from time to time make respecting said harbor and port. To provide for the appointment of as many Harbor Masters, or other officers or agents as may be necessary to execute the foregoing powers. To collect or impose a tax, duty, toll or wharfage upon any goods, wares or merchandise, or other articles, for passing the same over any of the public wharves within the City of Baltimore, and the said corporation may regulate the time during which any goods, wares, merchandise or other articles may remain on said public wharves, or the time which the vessels, boats or scows taking in or discharging such goods, wares or merchandise shall remain at said wharves. To regulate, establish and collect such rate of wharfage as it may think reasonable from all vessels resorting to, lying at, depositing or transporting goods or articles on any wharf belonging to the City, or any public wharf in said City, other than wharves belonging to or rented by the State, and that part of Pratt Street wharf reserved for the use of the State.

*Health.*—To preserve the health of the City. To prevent and remove nuisances. To prevent the introduction of contagious diseases within the City, and within three miles of the same upon land, and within fifteen miles thereof upon the navigable waters leading thereto. To regulate the places of manufacturing soap and candles, the erecting of slaughter-houses and distilleries, and where every other offensive trade may be carried on. To regulate the construction, care, use and management of ten-



ement houses, lodging houses and cellars in the City of Baltimore, for the better protection of the lives and health of the inmates dwelling therein.

*Hospitals.*—To erect or establish houses of correction, almshouses, reformatories, hospitals or pest-houses, within or without the City, if necessary, and make all regulations for the government of the same.

*Inspections.*—To establish and regulate inspections within the City. To make the standard of weights and measures the same in the City of Baltimore as in the rest of the State, and enforce the same by inspection. To regulate and fix the assizing of bread. To provide by ordinance for the proper inspection of milk or any and all other food products offered for sale in the City of Baltimore or intended for consumption therein; to make and from time to time to alter such regulations in regard to the sale of milk or any or all other food products as to it may seem necessary to protect the public health; and to provide by fine of not more than one hundred dollars for each offence, for the punishment of violations against such regulations and ordinances; to provide for such number of inspectors or analysts as it may deem necessary, and to fix their duties and compensation, and from time to time to change the number, duties and compensation of the said inspectors and analysts. To provide by ordinance for the proper inspection of all the bakeries, bake shops, candy factories, confectioneries or other places for the manufacture of bread, cakes, confectionery and similar food products, for the purpose, more especially, of ascertaining their sanitary condition and cleanliness, and for the purpose of ascertaining the purity, healthfulness and wholesomeness of the flour, sugar, butter, lard and other ingredients used in making such bread, cakes, confectionery and other articles of food offered for sale in the City of Baltimore, or intended for consumption therein; to make and from time to time alter such regulations or ordinances in regard to the sale of said food products as to it may seem necessary to protect the public health, and to provide by fine of not less than twenty dollars nor more than one hundred dollars for each offence for the punishment of violations against such regulations and ordinances; to

provide for such number of inspectors and analysts as it may deem necessary, and to fix their duties, qualifications and compensation.

*Jail.*—To own, regulate and control the Jail of Baltimore City.

*Jones's Falls.*—To make such improvements in connection with Jones's Falls as in its judgment are desirable, and for this purpose to change the course, lines and boundaries of said stream, in whole or part; to widen and deepen the same; to lay out and construct on the sides and adjacent to said stream, streets, avenues and wharves; to construct all such sewers and drains in said City as shall be deemed requisite in connection with said improvement; and generally to do all such things, and exercise all such powers as, in its judgment, shall be necessary to be done and exercised for the accomplishment of any plans for the improvement of Jones's Falls which have been or may be adopted by it. To have power at any time to acquire all property of every kind and description which may be necessary or advisable, in its judgment, to acquire, for the accomplishment of the purposes mentioned, and shall moreover have full power to provide for the ascertainment of the value of all property and rights of property which it is thus authorized to acquire, and to ascertain whether any and what amount, in value, of damages will be caused by the construction of the aforesaid works of improvement in connection with Jones's Falls, or any of them, to the owner or possessor of any property, or rights of property, within the said City, for which the owner or possessor ought to be compensated, and to ascertain what amount of benefits will be caused by the construction of the aforesaid works of improvement, or any of them, to the owner or possessor of any property, or rights of property, for which said owner or possessor ought to pay a compensation, and to provide for assessing or levying, either generally on the whole assessable property of the City, or especially on the property of persons benefited, the whole or any part of the damages and expenses which it shall be ascertained will be incurred in constructing such works in connection with the improvement of Jones's Falls, as it has determined or shall determine to make. To pro-

vide for granting appeals to Baltimore City Court from the decision of any Commissioners, or other persons appointed by virtue of any ordinance, to ascertain the value of the property which the City may wish to acquire for the purposes aforesaid, or the damages which will be caused, or the benefits which will accrue, by the construction of the aforesaid works of improvement, and to secure to every owner or possessor of any property, or right of property, which it may thus purpose to acquire, or which may thus be decided to be damaged or benefited, the right, on application within a time to be prescribed by ordinance, to have decided by a jury trial, the true value of the property proposed to be acquired for the purposes aforesaid, and whether any and what damage will be caused, or any and what benefits will accrue to the owner or possessor of the property so assessed for damages or benefits respectively, and to provide for collecting and paying over the amount of compensation adjudged to each person entitled, or invest it in the stock of the said City, for the use of the person so adjudged to be entitled to the same, and to provide for collection, by the sale of the property assessed, or otherwise, of all sums assessed as benefits aforesaid, and generally to enact and pass all ordinances, from time to time, which shall be deemed necessary and proper to exercise the powers and effect the objects for the exercise and accomplishment of which this paragraph of this section is passed. To define and locate the limits of Jones's Falls within the City of Baltimore, and to acquire by purchase or condemnation, under proceedings for which provision is made in this Article, the absolute and exclusive right and title to all the lands and rights of property embraced within the said limits, and in the ground covered by all streets or avenues which it may lay out and condemn on the sides of the stream, and it shall have an estate in fee simple in the same. It shall have power and is authorized to construct wharves or quays along the margin of said stream, or use the said streets or avenues for wharf or quay purposes, and collect tolls or wharfage from all vessels or boats using the same. To make such changes in the grades of the streets in the City of Baltimore as shall, in its judgment, be necessary for the proper construction of works connected with the improvement of Jones's Falls, which it may determine to construct, and it shall not be

necessary, in order to make such changes in the grades of streets, to obtain the consent of any of the proprietors of the ground fronting on said streets, or affected by such changes. To make such provisions as it shall deem best for defraying the cost of grading and paving of any streets or avenues which it may lay out and condemn along the margin or side of Jones's Falls. To issue bonds to an amount not exceeding two millions five hundred thousand dollars, from time to time, as the same may be required in the course of the construction of the works connected with the improvement of Jones's Falls, for the construction of which provision is made by the ordinance of the Mayor and City Council of Baltimore, entitled, "An ordinance to provide for the improvement of Jones's Falls within the limits of the City of Baltimore, and to open avenues and construct sewers on the borders thereof," the said bonds to be issued in sums of not less than one hundred dollars each, redeemable in thirty years, and bearing interest at 6 per cent. per annum, payable quarterly, transferable as other City bonds, as provided in sections one and two of an ordinance of the Mayor and City Council of Baltimore, entitled, "An ordinance to authorize the issuing of bonds of the City of Baltimore, for the purpose of providing means for the improvement of Jones's Falls," approved January 31, 1870; provided, that said bonds shall not be issued unless the last mentioned ordinance shall be approved by the votes of a majority of the legal voters of the said City, cast at the time and places provided for in the last mentioned ordinance. To compel any individuals, companies or bodies politic, owning property binding on Jones's Falls, within the limits of the City, to wall up such property, so far as the same may bind on the falls, with a good and sufficient stone wall, to such height as in its judgment the public good may require, and to have the same backed up or filled in with earth, so as to secure the same and the adjacent property from danger of being inundated with water; and whenever it may deem necessary, to compel individuals, companies or bodies politic, to rebuild or repair, in a good and sufficient manner, any stone wall owned by them and binding on Jones's Falls within the limits of the City of Baltimore; and should any individuals, companies or bodies politic neglect or refuse to wall up Jones's Falls, rebuild or repair any such wall within the limits of

the City of Baltimore, when required so to do, the said City may cause the same to be done, and it is authorized and empowered to recover the cost of such wall, rebuilding or repairing, by suit at law, from the party who may have refused or neglected to build, rebuild or repair such wall; and the cost of such wall shall be a lien on the property so walled up or repaired.

*Licenses.*—To license, tax and regulate all businesses, trades, avocations or professions. To license, regulate, tax or suppress hawkers, peddlers, brokers, pawnbrokers, intelligence offices, street exhibitions or fortune-tellers.

*Markets.*—To erect, regulate, control and maintain markets and stalls within the City of Baltimore, and to regulate and control the sale of all goods, wares, merchandise or other articles therein. To lease, sell or dispose of any stalls or stands in any market, in such manner and upon such terms as it may think proper. To contract for, purchase, lease and hold to it and its successors, in fee simple, or for a term of years, renewable from time to time forever, any lands, tenements and their appurtenances in the vicinity of any market for the purpose of extending same. To condemn any land or other property or any interest in land or other property for market purposes in the mode provided in this Article. To levy and collect all costs, damages and expenses incurred by the condemnation proceedings aforesaid. The clerks of the markets shall have full power and authority to seize by distress any meats, vegetables or other articles upon any stall or stand in the market-houses of the City of Baltimore, if the person or persons owning such stall or stand shall not pay the rent due thereon, and they shall also collect all fines and forfeitures imposed by this Article or ordinances relating to markets, and account for the same to the Mayor and City Council of Baltimore. To levy and collect all the costs, damages and expenses awarded in any condemnation proceeding provided for in this Article, for the extension or construction of any market or markets in the City of Baltimore.

*Parks.*—To establish, maintain, control and regulate parks or squares in the City of Baltimore, for the recreation and ben-

eft of its citizens. The resolution of the Mayor and City Council of Baltimore, appointing a Commission in relation to the proposed public parks, approved June 4, 1860, and the ordinance of the Mayor and City Council of Baltimore, to provide for a public park or parks, approved June 21, 1860, are confirmed ; and all acts done, or which may hereafter be done, by the said Mayor and City Council of Baltimore, or the officers of said City, or the Park Commission acting under the provisions of the said resolution and ordinance, shall have the same effect as if the said Mayor and City Council of Baltimore, prior to the passage of said resolution and ordinance, had been expressly empowered, by Act of the General Assembly, to enact a resolution and ordinance in the precise terms of said resolution and ordinance, and to provide for carrying the same into effect. All the rights, privileges and authority heretofore granted, by ordinance, to the Park Commission, are hereby transferred to the Board of Park Commissioners as constituted in this Article. The Board of Park Commissioners be and hereby is authorized and empowered, upon and immediately after the execution and delivery, by the owners thereof, of the deed hereinafter referred to, to the Mayor and City Council of Baltimore, to assume exclusive jurisdiction and control over the public highway known as Green Spring Avenue Road, extending from the north entrance of Druid Hill Park, through parts of Baltimore City and parts of Baltimore County, to the Western Run bridge in Baltimore County, with full power in said Board of Park Commissioners to regulate the use of the said Green Spring Avenue Road as a highway, and to prescribe the hours when and the manner in which manure carts, hay wagons and all or any other description of vehicles may use the same, and to prescribe fines and penalties for the violation of such regulations, in the same manner as it prescribes fines and penalties for violations of the public park regulations. The owners of said Green Spring Avenue Road are hereby authorized to grant, and the Mayor and City Council of Baltimore are hereby authorized to accept from said owners, a good and sufficient deed for the bed of said road, subject to the rights of the adjacent property-holders to use the same as a highway. From and immediately after the acceptance by the Mayor and City Council of Baltimore, of the deed mentioned above, all obliga-

tion and duty upon the part of either the owners of said Green Spring Avenue Road or of the public authorities of Baltimore County, to keep or maintain said road in repair, shall cease, and from and immediately after said time, the sole obligation to keep and maintain said road in repair, shall rest upon the Mayor and City Council of Baltimore. The Board of Park Commissioners, as herein provided for, shall have all the rights, powers and authority as are specifically set forth in this paragraph of this section and elsewhere in this Article, and all rights, powers and authority are hereby granted to the Mayor and City Council of Baltimore to make such other and further rules and regulations as it may deem proper for the maintenance of all parks and squares within the City of Baltimore not inconsistent with this Article.

*Police.*—To appropriate a sum of money annually for the relief of disabled and superannuated members of the police force of Baltimore City, and for the relief of widows and children of policemen who may be killed in the discharge of duty.

*Police Power.*—To pass ordinances for preserving order, and securing property and persons from violence, danger and destruction, protecting the public and City property, rights and privileges from waste or encroachment, and for promoting the great interests and insuring the good government of the City. To have and exercise within the limits of the City of Baltimore all the power commonly known as the Police Power to the same extent as the State has or could exercise said power within said limits. But no ordinance heretofore passed, or that shall hereafter be passed by the Mayor and City Council of Baltimore, shall hereafter conflict or interfere with the powers or exercise of the powers of the Board of Police of the City of Baltimore, heretofore created, nor shall the said City, or any officer or agent of the City, or of the Mayor thereof, in any manner impede, obstruct, hinder or interfere with the said Board of Police, or any officer, agent or servant thereof or thereunder.

*Peddlers.*—The Mayor may grant permits, upon the payment of the sum of seven dollars to the Comptroller, to such number

of poor persons as to him may seem proper, to peddle within the limits of the City of Baltimore, notions and small wares without a license; provided, that the stock in trade of such peddler shall not exceed twenty-five dollars in value, and that the said Mayor at any time may revoke any such permit.

*Pumps, Fountains and Springs.*—To erect and regulate pumps, fountains and springs in the streets, lanes and alleys of the City of Baltimore.

*Railroads.*—On application or assent, in writing, of the owners of the major part in extent of front feet of the lots fronting on each side of any street or part of street, to pass, subject to the provisions and requirements of sections 37 and 85 of this Article, such ordinances as shall be necessary for the construction of any track or railway of a steam railroad on and along such street; to permit and cause such alteration in the grade of such street as may be necessary for the more convenient and useful construction of such railway; and may levy and assess on all lots fronting on such street, or part of street, or on the owners of such lots, their just proportion of the expense of such construction, and enforce payment thereof; *provided*, notice be given to such owners before said assessment is made, with the right to a hearing as to the propriety of the same, and the further right of a jury trial by appeal to the Baltimore City Court, and the proprietor of any lot in front of which any such railway shall be so constructed, and the just proportion of which shall be paid by him, shall be entitled, at his own expense, to have a convenient siding or turn-out made, to enable him to have the beneficial use of such railway. The City may, whenever the public interests require, revoke the privilege granted to such railroad to use said street or part of a street, upon the payment to such railroad of the actual cost of construction of said railway tracks, and upon such revocation and payment aforesaid, the said railroad shall remove all of its tracks from said street. To require street passenger railways to provide proper fenders to their cars for the protection of human life and to lessen the danger thereto arising from collisions with such cars, and to enforce said requirements by such fines and penalties as may be prescribed by ordinance.

To regulate the use of the streets by street railways.



*Schools.*—To establish in the City of Baltimore, in conformity with the provisions of this Article, a system of free public schools, which shall include a school or schools for manual or industrial training. To pass all ordinances for the protection of school houses and property, and to punish any person that may disturb the sessions of the public schools. To levy and collect, upon the assessable property in the City of Baltimore as other taxes are levied and collected, such amount of taxes as may be necessary to defray all expenses incurred for educational purposes.

*Sewers.*—To provide for constructing, opening, enlarging or straightening, subject to the provisions herein contained as to the Board of Public Improvements and Board of Estimates, any sewer or drain, public or private, through any private property. To pave and keep in repair, subject to the provisions herein contained as to the Board of Public Improvements and Board of Estimates, all necessary sewers and drains, and to pass all regulations necessary for the preservation of the same and to authorize any person appointed by it, or by the City Engineer for that purpose, to enter upon the lands, grounds or possessions of any person or body politic, through which the common sewers or private sewers or drains run or may run, to examine, inspect, regulate, make or repair the same. To condemn any land or interest in land in the mode provided in this Article for the use of the Mayor and City Council of Baltimore in the construction of any sewers or sewerage system. To inspect and regulate house drainage and sewerage connections, and to prescribe the kind and quality of material to be used for such purposes.

*Squares, Springs and Monuments.*—To establish, regulate and control all squares, springs and monuments erected or constructed within the City of Baltimore, and to provide for the maintenance of same. To provide by ordinance for the purchase or condemnation of all that land lying in the City of Baltimore between the lines of Dolphin street on the north, Biddle street on the south, Jordan alley on the east, and Morris alley on the west, or so much thereof as may be necessary, upon a proper survey, to extend

the line of parking known as Eutaw Square from Dolphin street to Biddle street, and the driveways on each side thereof; and to provide for assessing and levying on the whole assessable property of the said City, or on the property of persons thereby benefited, the whole or any part of the damages and expenses which may be incurred in acquiring said land, and in locating and laying out the said line of square; and to provide for the granting of appeals to the Baltimore City Court, from the decisions of the Commissioners for Opening Streets or any Commissioners, or other persons, appointed by authority of any ordinance to ascertain the damages which will be caused or the benefits which will accrue to the owners or possessors of ground, or improvements in acquiring said land, and in locating, laying out and extending said square from Dolphin street to Biddle street, and for securing to every such owner and possessor the right, on application within a reasonable time, to have decided by a jury trial, whether any damage has been caused, or any benefit has accrued to them, and to what amount; and to provide for collecting and paying over the amount of compensation adjudged to each person entitled, or investing it in stock of said City, for the use of any such persons who, because of their infancy, absence from the City, or any other cause, may be prevented from receiving it, before any part of the land lying within the said lines shall be taken. Before the said City shall pass any ordinance under the above provisions, at least sixty days' notice shall be given of any application for the passage of such ordinance, in at least two daily newspapers in said City; and before the Commissioners for Opening Streets or any Commissioner or Commissioners appointed by any ordinance under the above provisions shall proceed to the performance of his or their duty, he or they shall give notice in at least two of the daily newspapers in the City of Baltimore, of the object of the ordinance under which he or they propose to act, at least thirty days before the time of their first meeting to execute the same.

*Stocks, Loans and Finance.*—To levy upon the assessable property within the City, and collect by tax any sum which may be necessary to pay and discharge the principal and interest of any loan which may heretofore have been obtained, or

which may hereafter be obtained by said City, according to law. It shall create a sinking fund to meet the liabilities thus incurred, and may also levy upon the assessable property of the City of Baltimore, from time to time, such sum as may be necessary to provide therefor, and for the payment of the principal and interest of the liabilities to be incurred under this section, and may pass all ordinances necessary to carry out the purpose of the same. Whenever the Commissioners of Finance shall be authorized by the City to invest moneys belonging to the sinking fund of said City, in annuities or ground rents, reserved out of the lands leased to the City and payable by the said City, the said Commissioners may purchase such rents or annuities and the reversions of such lands; and the conveyances thereof taken may be made to the Mayor and City Council of Baltimore, in trust for the benefit and purpose of the said sinking fund; and in every such case, such conveyances shall not work a merger of the lease or term, but, until otherwise provided by law, the rent shall continue to be payable to the City as if such purchase had not been made, but shall be received and applied by the Commissioners of Finance as the income of other investments of the sinking fund may be applied. Whenever and as often as it may be necessary hereafter to issue certificates of indebtedness or City stock or bonds of the City of Baltimore, either for loans of the said City, already created and authorized by law, but not yet negotiated and issued, or for loans which may be hereafter created and authorized to be issued as aforesaid, provision may be made, in the discretion of the City, for the payment of any taxes which the holders of said certificates or bonds may be legally liable; provided, however, that the rate of interest payable on said loans shall not exceed the rate of five per cent. per annum; and provided, further, that nothing herein contained shall prevent the said City from negotiating said loans, or any part thereof, already authorized by law, but not yet actually issued, or which may be hereafter created and authorized by law, at a lower rate of interest than five per cent. per annum, whenever it may appear to the said City practicable and advisable to do so.

*Streets, Bridges and Highways.*—To provide for laying out, opening, extending, widening, straightening or closing up, in whole or in part, any street, square, lane or alley within the bounds of said City, which in its opinion the public welfare or convenience may require. To provide for ascertaining whether any, and what amount in value, of damage will be caused thereby, and what amount of benefit will thereby accrue to the owner or possessor of any ground or improvements within or adjacent to said City, for which said owner or possessor ought to be compensated, or ought to pay a compensation, and to provide for assessing or levying, either generally on the whole assessable property of said City, or specially on the property of persons benefited, the whole or any part of the damages and expenses which it shall ascertain will be incurred in locating, opening, extending, widening, straightening or closing up the whole or any part of any street, square, lane or alley in said City. To provide for granting appeals to the Baltimore City Court, from the decisions of the Commissioners for Opening Streets or any Commissioner or Commissioners, or other persons appointed by virtue of any ordinance, to ascertain the damage which will be caused or the benefit which will accrue to the owners or possessors of ground or improvements by locating, opening, extending, widening, straightening or closing up, in whole or in part, any street, square, lane or alley within the said City, and for securing to every such owner or possessor the right, on application within a reasonable time, to have decided by a jury trial whether any damage has been caused, or any benefit has accrued to them, and to what amount. To provide for collecting and paying over the amount of compensation adjudged to each person entitled, or investing it in stock of the said City, for the use of any such person who, because of infancy, absence from the City or any other cause, may be prevented from receiving it, before any street, square, lane or alley, in whole or in part, shall be so opened, extended, widened, straightened or closed up, and to enact and pass all ordinances, from time to time, which shall be deemed necessary and proper to exercise the powers and effect the objects above specified. To acquire the fee simple interest in any land for the purpose of opening, extending, widening or straightening, in whole or in part, any street,

square, lane or alley in Baltimore City. To provide by ordinance for the collection of rent or revenue, which may or can be derived or collected from the occupiers, tenants, or by whatever term they may be called, for the use and occupation by them, of all building or buildings, or other property which the City pays for, to the owners thereof, in all cases of street openings, straightenings, closings or widenings, or in any case of condemnation for any purpose whatever, said rent to be paid by said tenants or occupiers of said building or buildings, or other property, to the City authorities, from the date of payment for the same by the City to the owners thereof, or from the date of the tender of such payment, if for any cause said owners refuse or cannot lawfully accept the same, until said building or buildings are removed, and until said property shall be required by the City for its purposes, under the condemnation proceedings. To provide by general or special ordinance for the establishment, and change from time to time, of the grade lines of any street, lane or alley, or part thereof, now or hereafter marked, located or laid out upon the plan of said City. To provide by ordinance for grading, shelling, graveling, paving and curbing, or for the regrading, reshelling, regraveling, repaving and recurbing of any street, lane or alley in said City, or part thereof, now condemned, ceded, opened, as a public highway, or which may hereafter be condemned, ceded, opened, widened, straightened or altered according to the laws and ordinances regulating the same; and also for assessing the cost of any such work, in whole or in part, upon the property binding upon such street, lane or alley, or part thereof, according to such rule or basis as it may determine, and for collecting said assessments as other City taxes are collected or in such manner as it may prescribe, either before or after the work shall have been done, provided that before the passage by either Branch of the City Council of any ordinance requiring the whole or any portion of the costs to be assessed upon the property ten days' notice shall be given in at least two of the daily newspapers in said City, and an opportunity shall be afforded to all persons interested therein to appear and be heard before some appropriate committee of the Council, and it may also provide for appeals to the Baltimore City Court from the decisions of the Commissioners for Open-

ing Streets or any Commissioner or Commissioners, or other person or persons appointed to determine the amount of assessment to be made upon any property under any such ordinance; and in the trial of such appeal the practice shall conform as near as may be to the practice in the trials of street appeals, including the right of appeal to the Court of Appeals. To provide by general ordinance, subject to the provisions and requirements of section 85 of this Article, for the grading, graveling, shelling, paving or curbing, or for the regrading, regraveling, reshelling, repaving or recurbing of any street, lane or alley, or part thereof, in said City, without the passage of a special ordinance in the particular case, whenever the owners of a majority of the front feet of property binding on such street, lane or alley, or part thereof, shall apply for the same, upon terms and under conditions to be prescribed in the same general ordinance, and for the assessment in any such case of the cost of such work, in whole or in part, *pro rata*, upon all the property binding upon such street, lane or alley, or part thereof, and for the collection of such assessment as other City taxes are collected. In any and all cases where any street, lane or alley, or any part thereof, in the City, has been graded, paved or curbed, or regraded, repaved or recurbed, under any ordinance which provided for assessing the whole or any portion of the cost of such improvement upon the property binding upon such street, lane or alley, or part thereof, and such assessments, or any part thereof, remain unpaid, it shall be lawful for the City to provide by ordinance for the levy and collection in such manner as it may deem proper, of a tax upon all the property binding on any street, lane or alley, or part thereof, which may have been so improved, to the extent that such property shall have been specially benefited by such improvement, provided that no property upon which the assessment originally made for its share of the cost of such improvement shall have been paid shall be again assessed, and that reasonable notice and an opportunity to be heard shall be given to all persons interested before the final ascertainment of the amount of tax to be paid by any such property, and the said City shall provide for appeals to the Baltimore City Court by any person or persons interested, including the City itself, from the decision of the Commissioners for Opening Streets or any Commissioner or

Commissioners, or other persons appointed to determine the amount or amounts of such special taxes or assessments; and in the trial of such appeals the practice shall conform as near as may be to the practice in the trial of street appeals, including the right of appeal to the Court of Appeals. To pass all ordinances necessary for grading, regulating, paving and repairing the footways in the streets, lanes and alleys of the City, and impose a tax on any lot fronting on any paved street, lane or alley, for the purpose of grading, regulating, paving or repairing footways in front thereof, or compel by fine or otherwise the owner or proprietor of any lot to pave or repair the footways in front thereof, agreeably to the ordinances to be passed by it. To regulate the use of streets, highways, roads, public places and sidewalks by foot-passengers, animals, vehicles, cars, motors and locomotives, and prevent encroachment thereon and obstruction of the same. To regulate the opening of street surface, for the purposes authorized by law or ordinance. To regulate the numbering of houses, lots, streets and avenues, and the naming of streets, avenues and public places. To regulate the use of sidewalks for use of signs, sign-posts, awnings, awning-posts, horse-troughs, telegraph-posts, trolley poles, electric light poles, telegraph wires, electric light wires, and for any and all other purposes, and to prohibit the erection of any posts, poles or wires, and to compel the removal of any posts, poles or wires in, over or above any street, sidewalk or highway. To clean the streets and remove the dirt and filth therefrom, and to prohibit and punish by ordinance the placing of any dirt, filth or other matter therein, and to protect any pavement by prohibiting the travel thereon. To erect lamps in any of the streets, lanes or alleys of said City, and cause the same to be lighted at the expense of the City. To regulate the use of streets, lanes or alleys in said City, by railway or other tracks, gas or other pipes, telegraph, telephone, electric light or other wires and poles, in, under, over or upon the same, and to require all such wires to be placed under ground after such reasonable notice as it may prescribe. To provide a series of conduits under the streets, lanes and alleys of said City, or any part or parts thereof, for the use of telephone, telegraph, electric light and other wires, either by constructing said conduits itself or authorizing their construction by such person or corporation,

upon such terms as may be agreed upon. To appoint an Electrical Commission, with such powers and duties as it may deem proper or appropriate for carrying out the aforesaid provisions of this section relating to conduits. To require all such wires, or any part or parts thereof, and the poles carrying the same, to be removed from the surface of the streets, lanes or alleys of said City, or any part or parts thereof, and to require such wires to be placed in such conduits, all under such penalty as it may prescribe. To prescribe and establish reasonable rentals to be paid by any company or person using any of said conduits, by whomsoever the same may be constructed, for the use thereof, and to provide for the collection of such rentals, in addition to the ordinary processes by such summary methods as it may deem appropriate; *provided*, however, that nothing contained in this Article shall be deemed or taken to modify or change, in any manner, the provisions of Ordinance Number Forty-one, of the Mayor and City Council of Baltimore, approved May 9, 1889, or the rights and privileges granted thereby to the companies therein named or either of them. To purchase, with the County Commissioners of any adjoining or neighboring counties of said City, all bridges and turnpike roads, or any portions thereof, leading toward said City, at such times and upon such terms as it and said County Commissioners on the one part, and the owner of such bridges and highways on the other, may mutually agree, and when so purchased all or any of them shall thereafter be free public highways, and as such under the care and management of said City and said County Commissioners, as they may respectively provide and stipulate as between them. To exercise, in reference to opening streets and alleys through Cathedral Cemetery or burial ground in said City, all the rights and powers which it has, or may hereafter be conferred upon it, in reference to opening streets, lanes or alleys in said City. With the County Commissioners of Anne Arundel County, to cause to be erected and maintained at their joint expense lamps along and on Light Street Bridge, not more than seventy-five yards apart; *provided* that there shall be at least one lamp at each end of the draw of said bridge, and the said lamps shall be attended to, cleaned, lighted at



night and extinguished in the morning by the keeper of said bridge.

*Surveyor.*—To prescribe by ordinance the duties and compensation of the City Surveyor.

*Taxes.*—To levy annually upon the assessable property of the City, by direct tax, with full power to provide by ordinance for collection of the same, such sum of money as may be necessary, in its judgment, for the purpose of defraying the expenses of said City over and exclusive of all expenses, charges and sums of money which it is, or shall be, required by law to collect for other purposes subject to the provisions and limitations herein contained. To levy and collect taxes upon every description of property found within the corporate limits of said City, which it is now authorized by law to levy taxes upon, for the purpose of defraying the expenses of the municipal government, whether the owners thereof reside within or without the limits of said corporation; *provided* that no stocks, bonds, mortgages, certificates or other evidences of indebtedness of any bank or other corporation situate within the limits of said City, which are owned or held by persons residing without said limits, shall be subject to taxation for the purpose above set forth; and *provided* further that no authority is given by this section to impose taxes on any property which is now or may hereafter be exempted from taxation by any general or special Act of the General Assembly of Maryland, nor upon any property which may be stored or deposited in the City of Baltimore for temporary purposes. To provide by general ordinance, whenever it shall seem expedient for the encouragement of the growth and development of manufactures and manufacturing industry in the said City, for the abatement of any or all taxes levied by authority of the said Mayor and City Council of Baltimore, or by ordinance thereof, for any of the corporate uses thereof, upon any mechanical tools or implements, whether worked by hand or by steam, or other motive power, machinery, manufacturing apparatus or engines owned by any individual, firm or corporation in said City, and properly subject to valuation and taxation therein, which said tools, implements, machinery, apparatus or engines shall be actually em-

ployed and used in the business of manufacturing in said City, and it shall be the duty of the Appeal Tax Court to make such abatements of taxes levied as aforesaid as may be authorized and directed by said City by ordinance as aforesaid; *provided* that such abatement shall be extended to all persons, firms or corporations engaged in the branches of manufacturing industry proposed to be benefited by any ordinance passed under the provisions of this paragraph of this section; *provided* further, that application for such abatement as aforesaid shall be made or verified to the satisfaction of said Court by the oath of the party applying for the same, or other satisfactory evidence, before the annual revision and correction of the tax lists in each year, which said Appeal Tax Court is by law required to make, shall be completed and returned by said Court to the City Collector and Board of Estimates, and not afterwards; and said Court shall further keep a record of all abatements made by it as aforesaid, and report in writing the aggregate amount thereof during the year to the said Mayor and City Council of Baltimore on or before the fifteenth day of October in each year. To extend the limits of direct taxation within the said City, from time to time, as it shall deem expedient. To have power to provide by ordinance or otherwise for the prompt collection of taxes due the City, and have power to sell real estate, as well as personal property, for the payment of taxes.

*Theatrical and other Public Amusements.*—To provide for licensing, regulating and restraining theatrical or other public amusements within the City of Baltimore.

*Water.*—To establish, operate, maintain and control a system of water supply for Baltimore City, and to pass all ordinances necessary in the premises. From time to time to contract for, purchase, lease and hold, in fee simple, or for a term of years, any land, real estate, spring, brook, water, watercourse, and also the right to use and occupy, forever or for a term of years, any land, real estate, spring, brook, water or watercourse which it may conceive expedient and necessary for the purpose of conveying water into the said City for the use of the said City and for the health and convenience of the inhabit-

ants thereof, and also the right to enter and pass through, from time to time, as occasion may require, and to use and occupy the said lands through which it may deem it necessary to convey the said water; and it is hereby invested with all the rights and powers necessary for the introduction of water into said City, and to enact and pass all ordinances, from time to time, which shall be deemed necessary and proper to exercise the powers and effect the objects above specified. To contract with individuals, firms or corporations for the use of the water of said City, on such terms and for such time as it may deem proper and expedient. The Mayor and City Council of Baltimore, or any agent authorized by it, may agree with the owner of any land, real estate, spring, brook, water or watercourse, as aforesaid, earth, timber, stone or other materials which it may conceive expedient or necessary to purchase and hold, for the purpose of introducing water into the City of Baltimore. If they cannot agree, or if there be any incapacity or disability to contract with the owner of such land or real estate, spring, brook, water or watercourse as aforesaid, earth, timber, stone or other materials, or with the owner of such lands through which the said City may find it necessary to have a right of entry and passage, for the purpose of conveying the said water into the said City, or if such owner should be absent, out of the State, or unknown, it shall be lawful, on application of the City, for any Justice of the Peace of the county in which said lands, earth or other property or materials as aforesaid are situate, to issue his warrant to the Sheriff of said county, commanding him to summon from the said county a jury of twenty freeholders, inhabitants of said county, not related to the owner or persons interested, as aforesaid, in the said real estate or other property, to meet on the premises which are to be valued, on some certain day to be named in said warrant, of which said warrant and the day therein named for the meeting of the jury, twenty days' notice shall be given previous to such day by the City to every owner or person interested, as aforesaid, or if any owner be an infant or lunatic, or *feme covert*, to his or her guardian or her husband, or in either case left at his or her place of abode, or if out of the State or unknown, such notice shall be published not less than eight weeks successively in some one or more of the daily news-

papers of Baltimore City, and in some one or more of the news papers of the county in which said property may be located, if any newspapers be published in such county. From the list of jurors so returned and attending, the person, the condemnation of whose property may be desired, may strike four, and the said City may strike four, so that the number of jurors be reduced to twelve, and in case either party shall neglect or refuse to strike off the names of jurors, then it shall be the duty of the Sheriff or his deputy, who shall attend as hereinbefore directed, to strike off jurors for the party so refusing or neglecting, so that the number of jurors be reduced to twelve, as aforesaid. The jurors so remaining shall inquire into, assess and ascertain the sum of money to be paid by the said City for the land, spring, brook, water rights or other property which it may deem necessary to purchase and hold or use for the purpose aforesaid. Before the said jury act as such the said Sheriff or his deputy shall administer to each of them an oath that he will justly and impartially value the damages which the owners or parties holding an interest therein will sustain by the use and occupation of said property by the City. The said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by said Sheriff to the Clerk of the Circuit Court for said county, and be filed by such clerk in his office, and shall be confirmed by said court at its next session, if no sufficient cause to the contrary be shown; and when confirmed shall be recorded by the said clerk at the expense of the City. If not confirmed, the said court may direct another inquisition in the manner above described. From any decision on matter of law made by said court on a hearing for confirmation, an appeal may be taken to the Court of Appeals; *provided*, that such appeal be taken within ten days after such decision shall be made, and the Court of Appeals may award costs to either party in its discretion. The inquisition shall describe the property taken or the bounds of the land condemned, and the quantity or duration of the interest in the same, valued to the City; and such valuation, when paid or tendered to the owner of said property, or his legal representative, shall entitle the City to the use, estate and interest in the same thus valued, as fully as if it had been conveyed by the owner of the same; and the valuation, if not re-

ceived when tendered, may at any time thereafter be received from the City, without interest, by the said owner or his legal representative. If the twenty jurors summoned as aforesaid shall not appear at the time and place as aforesaid the Sheriff or his deputy, as the case may be, shall forthwith summon other freeholders of the county, from the bystanders or others qualified as aforesaid, to make up the said jury to the number of twelve. The jurors so summoned and attending shall be allowed the same compensation as is allowed to the jurors in the Circuit Court for the county, and the Sheriff shall be allowed similar fees as are allowed by law for the summoning jurors to attend the Circuit Court for the county, and also a per diem of two dollars for every day he or his deputy shall be in attendance upon an inquisition; and such expenses shall be paid by the City, except in cases of objections to the confirmation of inquisitions before the Circuit Court, when the costs in said Court may be awarded in the discretion of the Court. For the purpose of defraying all the expenses and costs of said lands, waters and water rights as shall have been taken for the purposes aforesaid, and of constructing all works necessary to the accomplishment of said purposes, and all expenses incident thereto, the said City shall have authority, in the name of the City, to issue certificates of debt, to be denominated on the face Baltimore Water Stock, to an amount not exceeding five million dollars, bearing interest not exceeding six per cent. per annum, and to provide by ordinance for the redemption of the same at a certain time, and under such provisions as the City may deem expedient and proper. The said City is authorized and empowered to assess rates for the supply and use of water at any point in Baltimore City and County, and also to enforce payment for the use of water, and other expenses incurred in the introduction of water from the water mains, according to the rates established by the said City, said payments to be enforced by the same process that City or State taxes are collected, or they may be collected by process before a Justice of the Peace, or in any of the Courts of the City of Baltimore having jurisdiction in such cases. The said City is authorized and empowered to appoint watchmen or such police force as may be necessary for the protection of its water works in the City and County of Baltimore,

and to impose fines and penalties for interference with or injury to the works or their appendages. To prevent the water from being obstructed or contaminated, and to prohibit all meddling or tampering with the water works and their appurtenances; said fines and penalties shall be enforced and collected as other fines and penalties are enforced and collected by law. To issue bonds or certificates of indebtedness to an amount not exceeding one million dollars, from time to time, as the same may be required, payable at such time and bearing such rate of interest not exceeding five per cent. per annum, as the said City shall provide by ordinance, the proceeds of the said bonds or certificates of indebtedness to be applied to the purpose of constructing and completing Lake Clifton, as proposed to be constructed on the line of the work of the introduction of the water of the Gunpowder Falls to the City of Baltimore, and for the acquisition of the necessary land in Baltimore County, whereon to locate one or more reservoirs, and for the construction of said reservoir or reservoirs, and for obtaining such pumping machinery as may be necessary in connection therewith, and for procuring and laying of iron pipes or mains for the purpose of distributing said water to the inhabitants of said City; *provided*, however, that the said bonds or certificates of indebtedness shall not be issued until the ordinance which the City is authorized to enact for such issue shall be approved by a majority of the legal voters of Baltimore City, at the time and place to be appointed by said ordinance in the provision for submitting the same to the legal voters of said City, as required by section 7 of Article XI of the Constitution of the State. Before the City shall lay any water pipes along any street, road, lane or avenue in the territory annexed to the City of Baltimore under the provisions of the Act of 1888, chapter 98, upon which the Catonsville Water Company has laid its pipes and other water appliances, the said City shall, if said company desires to surrender said pipes and water appliances in such street, road, lane or avenue, to the City, pay to the said company the fair value of its water pipes and other water appliances constructed in said street, lane, road or avenue, and such actual damages to the said company as shall be caused by the acquisition of said pipes and appliances by the City; and the amount so to be paid, if the said

company and the said City cannot agree in reference thereto, shall be ascertained by a majority of a board of three arbitrators, one to be appointed by the City, and one by said company, and the two arbitrators thus appointed shall appoint the third arbitrator; and if they cannot agree upon such third arbitrator the latter shall be appointed by the Governor of the State; *provided*, whenever the Mayor and City Council of Baltimore shall extend its water mains for the purpose of supplying water therein into the territory of Baltimore County previously occupied by some other water company then supplying water to residents of such locality, said Mayor and City Council of Baltimore, before it shall supply water to users in said territory, shall purchase or condemn the water pipes and rights of said local water company. To purchase all the property, rights, estates and privileges of any chartered company authorized to introduce, or which may hereafter be authorized to introduce, water into said City, upon such terms as may be agreed upon by the City, and such corporation or corporations, in the manner prescribed in their respective charters, or in the absence of such provisions, as shall be agreed upon by the said City and such corporation or corporations; and such corporation is authorized to execute a conveyance to the City of all the franchises and property of said corporation; and all such rights, privileges and franchises shall be vested in the Mayor and City Council of Baltimore, to be held, exercised and enjoyed by the said City as fully in every respect as might or could have been done by any such corporation or corporations under their respective charters.

*Welfare and Other Powers.*—The foregoing or other enumeration of powers in this Article shall not be held to limit the power of the Mayor and City Council of Baltimore, in addition thereto to pass all ordinances not inconsistent with the provisions of this Article or the laws of the State as may be proper in executing any of the powers, either express or implied, enumerated in this section and elsewhere in this Article, as well as such ordinances as it may deem expedient in maintaining the peace, good government, health and welfare of the City of Baltimore; and it may provide for the enforcement of all such ordinances by such penalties and imprisonments as may

be prescribed by ordinance; but no fine shall exceed five hundred dollars, nor imprisonment exceed twelve months for any offense.

*Franchises.*

7. The title of the Mayor and City Council of Baltimore, in and to its water front, wharf property, land under water, public landings, wharves, docks, highways, avenues, streets, lanes, alleys and parks, is hereby declared to be inalienable.

8. The Mayor and City Council of Baltimore may grant for a limited time, and subject to the limitations and conditions contained in this Article, specific franchises or rights in or relating to any of the public property or places mentioned in the preceding section; *provided*, that such grant is in compliance with the requirements of this Article and that the terms and conditions of the grant shall have first been authorized and set forth in an ordinance duly passed by the City. Every such grant shall specifically set forth and define the nature, extent and duration of the franchise or right thereby granted, and no franchise or right shall pass by implication under any such grant; and notwithstanding any such grant the Mayor and City Council of Baltimore shall at all times have and retain the power and right to reasonably regulate in the public interest the exercise of the franchise or right so granted; and the said Mayor and City Council of Baltimore shall not have power by grant or ordinance to divest itself of the right or power to so regulate the exercise of such franchise or right.

9. No franchise or right in relation to any highway, avenue, street, lane or alley, either on, above or below the surface of the same, shall be granted by the Mayor and City Council of Baltimore to any person or corporation for a longer period than twenty-five years, but such grant may, at the option of the City, provide for giving to the grantee the right, on a fair re-valuation, including in such re-valuation the value derived from the said franchise or right, to renewals not exceeding in the aggregate twenty-five years. Such grant may provide that upon the termination of the said franchise or right granted by the City, the plant, as well as the prop-



erty of the grantee situated in, above or under the highways, avenues, streets, lanes or alleys aforesaid, with its appurtenances, shall thereupon be and become the property of the City, without further or other compensation to the grantee; or such grant may provide that upon such determination, there shall be a fair valuation of the plant and property, which shall be and become the property of the City at its election, on paying the grantee said valuation. If, by virtue of the grant, the plant and property are to become the property of the City, without money payment therefor, the City shall have the option, either to take and operate the said property on its own account, or to renew the said grant for not exceeding twenty-five years on a re-valuation, or sell the same to the highest bidder at public sale. If the original grant shall prescribe that the Mayor and City Council of Baltimore shall at its election make payment for such plant and property, such payment shall be at a fair valuation of the same as property, excluding any value derived from the franchise or right, and if the City shall make payment for such plant and property, it may, in that event, operate the plant and property on its own account for five years, after which it may determine either to continue such operation on its own account or to lease the said plant and property and the said franchise or right to use the highways, avenues, streets, lanes and alleys or other public property in connection therewith, for limited periods, under such rules and regulations as it may prescribe, or to sell the plant and property to the highest bidder at public sale. Every grant of any such franchise or right shall make provision, by way of forfeiture or otherwise, of the grant for the purpose of compelling compliance with the terms of the grant, and to secure efficiency of public service at reasonable rates, and the maintenance of the property in good condition, throughout the full term of the grant. The grant shall also specify the mode of determining the valuations and re-valuations which may be provided for therein.

10. Before any grant of the franchise or right to use any highway, avenue, street, lane or alley, or other public property, either on, above or below the surface of the same shall be made, the proposed specific grant, except as provided in the proviso to Section 37 of this Article, embodied in the form of

a brief advertisement, prepared by the Board of Estimates, at the expense of the applicant, shall be published by the Comptroller for at least three days in one daily newspaper published in Baltimore City to be designated by the Board of Estimates, and all the provisions of Section 37 of this Article shall be complied with.

11. When the grant of a franchise or right is made in compliance with the foregoing sections, the Mayor and City Council of Baltimore shall not part with, but shall expressly reserve the right and duty, at all times, to exercise, in the interest of the public, full municipal superintendence, regulation and control; in respect to all matters connected with said grant and not inconsistent with the terms thereof.

12. Sections 8, 9, 10 and 11 of this Article shall apply to any renewal or extension of the grant or leasing of the property to the same grantee or to others.

13. Nothing contained in this Article shall prevent the Mayor and City Council of Baltimore from disposing of any building or parcel of land no longer needed for public use; *provided*, that such disposition shall be approved by the Finance Commissioners by their uniting in the conveyance thereof, and shall be made at public sale, and be provided for by ordinance; nor to the renting for fixed and limited terms of any of its property not needed for public purposes, on approval of the Commissioners of Finance.

#### *Contracts With the City.*

14. Hereafter in contracting for any public work or the purchase of any supplies or materials involving an expenditure of five hundred dollars or more for the City, or by any of the City departments, sub-departments or municipal officers not embraced in a department, or special commissions or boards, unless otherwise provided for in this Article, proposals for the same shall be first advertised for, in two or more daily newspapers published in Baltimore City, for not less than ten nor more than twenty days, and the contract for doing said work

or furnishing said supplies or materials, shall be awarded by the Board provided for in the next section of this Article, and in the mode and manner as therein prescribed.

15. All bids made to the Mayor and City Council of Baltimore for supplies or work for any purpose whatever, unless otherwise provided in this Article, shall be opened by a Board, or a majority of them, consisting of the Mayor, who shall be President of the same; the Comptroller, City Register, City Solicitor, and President of the Second Branch, which Board, or a majority of them, shall, after opening said bids, award the contract to the lowest responsible bidder. The successful bidder shall promptly execute a formal contract to be approved as to its form, terms and conditions by the City Solicitor, and he shall also execute and deliver to the Mayor a good and sufficient bond to be approved by the Mayor in double the amount of the contract price. To all such bids there shall be attached a certified check of the bidder, and the bidder who has had the contract awarded to him, and who fails to promptly and properly execute the required contract and bond, shall forfeit said check. The said check shall be taken and considered as liquidated damages, and not a penalty, for failure of said bidder to execute said contract and bond. Upon the execution of said contract and bond by the successful bidder, the said check shall be returned to him. The amount of said check shall be five hundred dollars, unless otherwise provided by ordinance, or an order or regulation of the department for whose use the bids are made and contract entered into. The checks of the unsuccessful bidders shall be returned to them after opening the bids and awarding the contract to the successful bidder.

#### MAYOR.

16. The inhabitants of the City of Baltimore qualified to vote for members of the House of Delegates shall, on the Tuesday next after the first Monday in May, eighteen hundred and ninety-nine, and on the same day and month in every fourth year thereafter, elect by ballot a person of known integrity, experience and sound judgment, over twenty-five years of age, a citizen of the United States, and five years a

resident of said City next preceding the election, and assessed with property in said City to the amount of two thousand dollars, and who has paid taxes thereon for two years preceding his election, to be Mayor of the City of Baltimore; but the Mayor chosen at the first election under this section shall not enter upon the discharge of the duties of the office until the expiration of the term for which the present Mayor was elected; unless the said office of Mayor shall become vacant by death, resignation, removal from the State or other disqualification of the present Mayor.

17. Prior to every municipal election, as provided for in this Article, there shall be, on the first and second Mondays of April, a supplementary registration of voters of Baltimore City, which registration shall be under the supervision of the Supervisors of Election, and conducted in conformity with the provisions of the law then in force relating to the registration of voters. On each day of said registration the registers shall revise the list of registered voters made at their last regular sitting, by adding the names of those persons who are entitled to registration at that time, and striking from said registration lists the names of those persons who have died or become disqualified since the said last sitting, and the registration lists used at the preceding November election, after being revised as herein directed, shall be used at the municipal election in May.

18. In case of vacancy in the office of Mayor, by death, resignation or permanent disqualification, the President of the Second Branch of the City Council shall be Mayor for the residue of the term for which said Mayor was elected.

19. In case of sickness or necessary absence of the Mayor, the President of the Second Branch of the City Council shall be *ex officio* Mayor of the City during the continuance of said sickness or necessary absence.

20. The term of the Mayor shall commence on the Tuesday next after the third Monday of May succeeding his election, and continue for four years, and until his successor shall

be elected and qualified, and he shall receive a salary of six thousand dollars per annum, payable monthly. He may appoint such persons to aid him in the discharge of his duties as may be prescribed by ordinance.

**21.** The Mayor, by virtue of his office, shall have all the jurisdiction and power, as a conservator of the peace, of a Justice of the Peace, and may call upon any officer of the City entrusted with the receipt or expenditure of public money, for a statement of his account as often as he may think necessary, and may at any time by expert accountants and bookkeepers examine the books and accounts of any department, sub-department, municipal board, officer, assistant, clerk, subordinate or employee.

**22.** The Mayor shall see that the ordinances and resolutions are duly and faithfully executed, and shall report to the City Council, as soon as practicable after the first day of January in each year, the general state of the City, with an accurate account of the money received and expended, to be published for the information of the citizens. He shall have general supervision over all departments, sub-departments, municipal officers not embraced in a department and special commissioners or boards.

**23.** All ordinances or resolutions duly passed by the City Council, after being properly certified by the Presidents of the First and Second Branches of the City Council as having been so passed, shall be delivered by the Clerk of the Branch in which the same originated, to the Mayor for his approval, and there shall be noted on said ordinances or resolutions the date of said delivery ; and, when approved by him, they shall become ordinances or resolutions of the Mayor and City Council of Baltimore. If the Mayor shall not approve of any ordinance or resolution so passed by the City Council he shall return the same with his objections in writing to the Branch in which the said ordinance or resolution originated, within five days of actual regular sittings of said Branch, excluding special sittings called by the Mayor, occurring after such delivery of said ordinance or resolution to him, which objections, upon

receipt of the same by said Branch, shall be forthwith read to such Branch and entered at large on its Journal ; and such Branch shall, after five days and within ten days after such ordinance or resolution shall have been returned to it by the Mayor, proceed to reconsider and vote upon the same. If such ordinance or resolution shall, after reconsideration, be again passed by three-fourths of all the members elected to said Branch it shall be forthwith sent, with the objections of the Mayor, to the other Branch, and after five days and within ten days, after it is so sent, it shall likewise be reconsidered and voted upon also by said other Branch, and if passed by a vote of three-fourths of all the members elected to said other Branch it shall be and become, to all intents and purposes, an ordinance or resolution of the Mayor and City Council of Baltimore. In such cases, after said reconsideration, the votes on the question of the passage of such ordinance or resolution over the veto of the Mayor shall be determined by yeas and nays, and the names of the persons voting for and against the passage of said ordinance or resolution over the veto of the Mayor shall be entered on the respective Journals of each Branch of the City Council. If any ordinance or resolution duly passed by the City Council shall not be returned by the Mayor to the Branch of the City Council in which the same originated within five days of its actual regular sittings, excluding special sittings called by the Mayor, after it shall have been delivered to him, the same shall become an ordinance or resolution of the Mayor and City Council of Baltimore in the same manner as if the Mayor had approved it, unless the City Council by an adjournment *sine die*, or for a period exceeding one month, shall prevent its return. In case an ordinance or resolution duly passed by the City Council shall embrace different items of appropriation, the Mayor may approve the provisions thereof relating to one or more items of appropriation and disapprove the others, and in such case those he shall approve shall become effective and those which he shall not approve shall be reconsidered in manner and form as hereinbefore prescribed in this section, by both Branches of the City Council, and shall become effective if again passed over the veto of the Mayor by the vote as above prescribed for the passage over the veto of the Mayor of entire ordi-

ances or resolutions. The mode and manner of procedure of both Branches of the City Council and of the Mayor in the matter of the veto of one or more distinct items of appropriation in any ordinance or resolution shall be the same as the mode and manner of procedure prescribed in this section for the passage of an entire ordinance or resolution over the veto of the Mayor.

**24.** The Mayor shall summon all the heads of departments to a conference on municipal matters at least once in each fiscal year, and oftener, if he thinks the public interests will be promoted thereby, and every head of department shall report to him, orally or in writing, as he may prefer, once in every month.

**25.** The Mayor shall have the sole power of appointment of all heads of departments, heads of sub-departments, municipal officers not embraced in a department and all special commissioners or boards, except as otherwise provided in this Article, subject to confirmation by a majority vote of all the members elected to the Second Branch of the City Council ; *provided*, said Second Branch shall take action on such nomination within the first three regular succeeding sittings of said Branch after said nominations are sent to it by the Mayor. If the Branch fails to take such action within said time, then the person or persons so nominated shall be to all intents and purposes such officer or officers as if they had been confirmed by said Second Branch. If said Second Branch shall, by the required vote and in the prescribed time, refuse to confirm such nominations, the Mayor shall, within the next three regular succeeding sittings of said Branch, send to it other name or names for such office or offices, and the duties of said Second Branch and the Mayor shall continue to be as above prescribed until a confirmation is had or a failure to act for three regular succeeding sittings by the said Second Branch occurs. The Mayor shall have the power to remove at pleasure, during the first six months of their respective terms, the heads of all departments or members thereof, heads of sub-departments, or members thereof, municipal officers not embraced in a department and special commissions or boards, or members thereof, appointed by him, but after six months the Mayor shall only remove said officials for cause, after charges preferred against them, notice

given and trial had before the Mayor. The terms of all municipal officials appointed by the Mayor shall be four years, unless otherwise provided for in this Article. All municipal officials who are appointed by the Mayor shall be appointed in the month of September succeeding his election, and enter into their respective offices on the first Monday in October, immediately following their respective appointments, or as soon thereafter as their appointments have been confirmed, as above provided; if appointed or confirmed subsequent thereto; but the Mayor first chosen under this Article shall appoint said officials in the month of February succeeding his election, subject to confirmation by the Second Branch of the City Council, and they shall enter upon their duties on the succeeding first of March, and shall hold office until their successors under the provisions of this Article are appointed and qualified, unless sooner removed under the provisions of this Article. All municipal officials, boards and commissioners in office under the Mayor and City Council of Baltimore, upon the date of the passage of this Article, unless otherwise provided in this Article, shall hold their respective offices under existing laws and ordinances, the same as if this Article had not been passed, until their successors are appointed, as provided in this section, in February nineteen hundred; they shall be subject to removal, as provided in said laws and ordinances, and all vacancies occurring in said offices shall be filled as now provided for in said existing laws and ordinances; said municipal officials, boards and commissioners shall perform the duties respectively now prescribed by existing laws and ordinances which are not inconsistent with the provisions of this Article, and they shall also perform such additional duties as may be required to be performed by such officers in this Article. The Mayor first elected under the provisions of this Article, shall organize the municipal government of Baltimore City, as provided for in said Article, and appoint the heads of departments, sub-departments, municipal officers, boards and commissions provided for therein, in the month of February, nineteen hundred. All persons appointed by the Mayor, as well as those municipal officials elected by the people or by the joint convention of the City Council, shall, before entering upon the



discharge of their respective duties, qualify by taking before the Mayor an oath to faithfully perform the duties of their respective offices, and that they will support the Laws and Constitutions of the United States and of the State of Maryland. A test book shall be kept by the Mayor, which shall be signed at the time of taking the oath aforesaid by said officials, and after the qualification aforesaid, the Mayor shall issue to the said officials a commission signed by himself with the corporate seal attached. All vacancies occurring in any of the offices which the Mayor is empowered to fill, during the recess of the Second Branch, unless otherwise provided in this Article, shall be filled by the Mayor until the next regular meeting of the Second Branch, at which meeting the Mayor shall present the name of a person for confirmation to fill said vacancy, and the mode and manner of procedure in such a case shall be the same as provided for in this section for other appointments by the Mayor and confirmation by the Second Branch.

**26.** No person shall at any time hold more than one office yielding pecuniary compensation under the Mayor and City Council of Baltimore. All municipal officials, except females, shall be registered voters of the City of Baltimore.

**27.** All heads of departments, heads of sub-departments, municipal officers not embraced in a department, or special commissions or boards, provided for in this Article, shall hold their offices until their successors are appointed or elected and qualified.

**28.** The heads of departments, heads of sub-departments, municipal officers not embraced in a department, and all special commissions or boards shall have the sole power of appointment and removal at pleasure of all deputies, assistants, clerks and subordinate employees employed by them, unless otherwise provided in this Article.

**29.** All heads of departments shall have the privilege of the floor in the First Branch of the City Council at its sittings, and shall be entitled to participate in the discussion of matters

relating to their respective departments, but shall have no vote. When the head of a department is a Board, or composed of more than one person, the President thereof shall be entitled to the privilege provided for in this section.

**30.** The Mayor, in appointing all heads of departments, sub-departments, boards and commissions or members of any such, composed of more than one person, shall appoint a minority of the members of each of such bodies of persons from a different political party from those forming the majority of said departments, sub-departments, boards and commissions or members of any such, and in ascertaining the political party from which such minority representatives shall be taken, he shall select from that party which cast the next highest vote at the preceding election.

#### EXECUTIVE DEPARTMENT.

**31.** The executive power of the Mayor and City Council of Baltimore shall be vested in the Mayor, the departments, sub-departments, municipal officers not embraced in a department herein provided for, and such special commissioners or boards as may hereafter be provided for by laws, or ordinances not inconsistent with this Article. All municipal officials, unless otherwise provided for by laws or ordinances, shall give bond to the City for the faithful discharge of their duties, to be approved by the Mayor, and in such penalties as may be prescribed by laws or ordinances. The Mayor shall be the chief executive officer of the City, and in addition to the following administrative departments, sub-departments, and municipal officers not embraced in a department, there shall be such assistants, clerks and employes to said departments, sub-departments and municipal officers as may be prescribed by ordinances not inconsistent with this Article not herein otherwise provided for. The several heads of departments, heads of sub-departments, municipal officers not embraced in a department, and special commissioners or boards, shall have the power to pass such rules and regulations, not inconsistent with the laws or ordinances, for the government of their respective departments as they may deem right and proper. All heads of de-

partments composed of Boards shall hold at least one meeting every month for the purpose of consultation and advice, and in order to become familiar with the business and the mode of conducting the same, of the sub-departments of their respective departments. A record of all the proceedings and official acts of heads of departments and sub-departments, municipal officials and commissioners shall be kept in a well-bound book, and a certified copy of said record or any part thereof under the corporate seal of the City shall be admissible in evidence in any Court of this State as proof of such record or part thereof.

The said executive departments shall be as follows:

#### *I.—Department of Finance,*

With the following Sub-Departments:

1. Comptroller.
2. City Register.
3. Board of Estimates.
4. Commissioners of Finance.
5. City Collector.
6. Collector of Water Rents and Licenses.

#### *II.—Department of Law,*

Composed of  
City Solicitor.

#### *III.—Department of Public Safety,*

With the following Sub-Departments:

1. Board of Fire Commissioners.
2. Commissioner of Health.
3. Inspector of Buildings.
4. Commissioner of Street Cleaning.

#### *IV.—Department of Public Improvements,*

With the following Sub-Departments:

1. City Engineer.
2. Water Board.
3. Harbor Board.
4. Inspector of Buildings.

V.—*Department of Parks and Squares,*

Composed of

Board of Park Commissioners.

VI.—*Department of Education,*

Composed of

Board of School Commissioners.

VII.—*Department of Charities and Corrections,*

With the following Sub-Departments:

1. Supervisors of City Charities.
2. Visitors to the Jail.

VIII.—*Department of Review and Assessment,*

With the following Sub-Departments:

1. Appeal Tax Court.
2. Commissioners for Opening Streets.

IX.—*Division Embracing Municipal Officers Not Included in Any Department.*

1. City Librarian.
2. Art Commission.
3. Superintendent of Lamps and Lighting.
4. Surveyor.
5. Constables.
6. Superintendent of Public Buildings.
7. Public Printer.

*Department of Finance.*

**32.** There shall be a Department of Finance of the Mayor and City Council of Baltimore, which shall consist of the Comptroller, City Register, Board of Estimates, Commissioners of Finance, City Collector and Collector of Water Rents and Licenses. The head of said Department shall consist of a Board of Finance composed of the Comptroller, City Register, President of the Board of Estimates, President of the Commissioners of Finance, City Collector and Collector of

Water Rents and Licenses. This Board shall be for consultation and advice, and it shall have no power to direct or control the duties or the work of any sub-department. It shall perform such other duties as may be prescribed by ordinances not inconsistent with this Article. The Comptroller shall be the President of said Board. The fiscal year of the Mayor and City Council of Baltimore shall begin on the first day of January and end on the thirty-first day of December in every year.

**33.** The Comptroller shall be elected by the inhabitants of the City of Baltimore qualified to vote for Mayor on the Tuesday next after the first Monday in May, in the year eighteen hundred and ninety-nine, and on the same day and month in every fourth year thereafter. He shall be a person possessing the same qualifications as herein prescribed for Mayor. The term of the Comptroller shall commence on the Tuesday next after the third Monday in May, in the year eighteen hundred and ninety-nine, and continue for four years, and until his successor is elected and qualified, and he shall receive a salary of three thousand five hundred dollars per annum, payable monthly.

**34.** The Comptroller shall be the head of the first sub-department of Finance, and he shall appoint a Deputy Comptroller and such clerks as may be provided for by ordinance, including one to be known as the Audit Clerk, and another for the collection of harbor and wharf rents, to be known as Harbor Master, with such assistants to him as may be provided for by ordinance, and another for the collection of fees for the inspection of weights and measures, to be known as the Inspector of Weights and Measures, with such assistants to him as may be provided for by ordinance, and another to be known as Market Master, with such assistants to him as may be provided by ordinance. The salary of such Deputy, assistants and clerks shall be fixed by ordinances. All of such appointees shall be subject to the written approval of the Mayor. The Comptroller shall have general supervision over the financial matters of the City, and shall have oversight of all sub-departments in this department. No claim, account or demand against the City of any kind whatsoever shall be paid unless first audited and approved by the Comptroller. All moneys

collected for the use of the City by any municipal official, unless otherwise provided in this Article, shall be turned over to the Comptroller and by him deposited with the City Register. He shall perform such other duties as may be prescribed by ordinances, not inconsistent with this Article. In case of the temporary absence or disqualification of the Comptroller, or a vacancy occurring in said office from any cause, the Deputy Comptroller shall, during such absence or disqualification or vacancy from any cause, act as Comptroller. The Second Branch of the City Council, by a majority vote of all the members elected to said Branch, may remove the Comptroller from office for incompetency, wilful neglect of duty or misdemeanor in office, upon charges preferred by the Mayor, and after notice of such charges is given to the Comptroller and an opportunity afforded him to be heard by said Branch.

**35.** The City Register shall be the head of the second sub-department of Finance, and he shall be the register of the public debt, and also the custodian of all moneys belonging to the Mayor and City Council of Baltimore. He shall be appointed by a joint convention of the two Branches of the City Council on the Tuesday next after the fourth Monday of May, in the year eighteen hundred and ninety-nine, and on the same day and month in every fourth year thereafter. His salary shall be three thousand and three hundred dollars per annum, payable monthly, in addition to three hundred dollars for services rendered the State, as provided for in section 93 of Article 81, Code of Public General Laws. He shall be removable at the pleasure of the convention of the said two Branches. The City Register shall take under his charge and keeping the corporate seal of the City, and use it in all cases which are now or may be hereafter required by Federal or State laws, ordinances, or the uses and customs of nations, and shall charge a fee of two dollars for each impression of the seal except such as shall be affixed to or impressed upon documents for the Mayor and City Council or used in connection with the affairs of the City. He shall pay to the Comptroller, for the use of the Mayor and City Council of Baltimore, all fees so received by him. He shall have power to appoint a Deputy Register, with a salary

of eighteen hundred dollars per annum, payable monthly, and such other clerical assistants as may be prescribed by ordinance not inconsistent with this Article. In case of a vacancy occurring in the office of City Register by removal or otherwise, the joint convention of the two Branches of the City Council shall forthwith fill said vacancy. He shall perform such other duties as may be prescribed by ordinance not inconsistent with this Article; *provided*, the present incumbent of the office of City Register shall hold his office until the expiration of his term, as now provided under existing laws and ordinances, and should a vacancy occur in said office, a successor shall be appointed by a joint convention of the City Council for the balance of said term.

**36.** The Board of Estimates shall be the head of the third sub-department of Finance, and shall consist of the Mayor, City Solicitor, Comptroller, President of the Second Branch City Council and President of the Board of Public Improvements. The first meeting of said Board in every year shall be called by notice from the Mayor or President of the Second Branch of the City Council, personally served upon members of the said Board. Subsequent meetings shall be called as the said Board may direct. The President of the Second Branch shall be President of said Board, and one of the number shall act as Secretary, and said Board may employ such clerks as may be necessary to discharge its duties, their number and compensation shall be fixed by ordinance. The said Board shall have power at any time to summon before it the heads of the departments and sub-departments, and all municipal officers and special commissions or boards. The said Board shall annually, between the first day of October and the first day of November, meet, and by an affirmative vote of a majority of all the members make out the following three lists of moneys to be appropriated by the City Council for the next ensuing fiscal year.

First—A list, to be known as the "Departmental Estimates," of the amounts estimated to be required to pay the expenses of conducting the public business for the next ensuing fiscal year, including the expenditures by the City Council for the salaries of its members, officers and expenses; said list shall be prepared in such detail, as to the aggregate sum and the items

thereof allowed to the two Branches of the City Council, each department, sub-department, municipal officer not embraced in a department and special commissions or boards, as the said Board shall deem advisable. In order to enable said Board to make such list, the Presidents of the two Branches of the City Council, the heads of departments, heads of sub-departments, municipal officers not embraced in a department, and special commissions or boards, shall, at least thirty days before the said list is hereby required to be made, send to the said Board, in writing, estimates of the amounts needed for the conduct, respectively, of the City Council, departments, sub-departments, municipal offices not embraced in a department, commissions or boards for the next ensuing fiscal year. Such estimates shall be verified by the oath or affirmation of the persons making them; and a wilfully false statement made in a material matter contained in said estimates so made to said Board shall be perjury. The said estimates shall specify, in detail, the objects thereof, and the items required for the expenses of the City Council, and the respective departments, sub-departments, municipal offices not embraced in a department, and special commissions or boards, as aforesaid, including a statement of each of the salaries of the members of the City Council and its officers and clerks, and the salaries of the deputies, assistants, clerks, employees and subordinates in each department, sub-department, municipal office or special commission or board.

Second—A list containing all amounts to be appropriated by the City Council for new improvements to be constructed by any department of the City during the next ensuing fiscal year, said list to be known as the "Estimates for New Improvements." Heads of departments, heads of sub-departments, municipal officers not embraced in a department, and special commissions or boards shall, in writing, thirty days before the time required to make such list by said Board, file with said Board their recommendations as to the amounts which they may consider will be needed in their respective departments for new improvements during the next ensuing fiscal year.

Third—A list containing all amounts which by previous laws, ordinances or contracts are required to be annually appropriated to charities, educational, benevolent or reformatory



institutions by the City, as well as all other sums, if any, which may be required by laws or ordinances to be appropriated for other purposes, not embraced in the preceding lists. This list shall be known as the "Estimates for Annual Appropriations." The purpose and object of this provision is, that said three lists shall embrace all moneys to be expended for the next ensuing fiscal year for all purposes, by the City. After said three lists have been prepared, the Board of Estimates shall cause to be prepared a draft of an ordinance, to be submitted to the City Council, providing appropriations sufficient to meet the amounts called for by said three lists; and the said Board shall cause a copy of said proposed ordinance, certified by the signatures of a majority of them, to be forthwith published in two daily newspapers in Baltimore City, for two successive days, and shall, immediately after said publication, transmit a copy of the draft of the said proposed ordinance to the President of each Branch of the City Council, whereupon a special meeting of the City Council shall be forthwith called by the Mayor, to consider such proposed ordinance. It shall be the duty of the two Branches of the City Council, when so assembled, to consider and investigate the estimates contained in said proposed ordinance, and to hold daily sessions for its consideration until said ordinance is passed. The two Branches of the City Council, by a majority vote of all the members elected to each Branch, may reduce the said amounts fixed by the said Board in said proposed ordinance, except such items thereof as are now or may hereafter be fixed by law, and except such items as may be inserted by said Board to pay State taxes, and to pay the interest and principal of the municipal debt. The City Council shall not have the power to increase the amounts fixed by the Board, nor insert any new items in the proposed ordinance. When said proposed ordinance, embracing said estimates, shall have been duly passed by both Branches of the City Council and approved by the Mayor, it shall be known as the "Ordinance of Estimates for the Year ———," and said several sums shall be and become appropriated, after the beginning of the next ensuing fiscal year, for the several purposes therein named, to be used by the City Council, departments, sub-departments, municipal officers not embraced in a department, and special commissions or boards therein

named, and for no other purpose or uses whatever. The City Council shall not have the power, by any other or subsequent ordinance or resolution, to enlarge any item contained in said ordinance after the same is duly passed. Nor shall the City Council, by any subsequent ordinance or otherwise, appropriate any sums of money to be used for the next ensuing fiscal year, for any of the purposes embraced in said ordinance of estimates. No appropriation provided for in said ordinance shall be diverted or used under any circumstances, for any other purpose than that named in said ordinance, nor shall the Comptroller draw any warrant for any of the items in said ordinance of estimates, unless he has received said amounts, and they are actually to the credit of the City Council and such department, sub-department, officers, commissions or boards. No temporary loan shall be authorized or made to pay any deficiency arising from a failure to realize sufficient income from revenue and taxation to meet the amounts provided for in said ordinance of estimates, but the City may temporarily borrow money for its use in anticipation of the receipts of taxes levied for any year. In case of any such deficiency, there shall be a *pro rata* abatement of all appropriations, except those for the payment of State taxes and the principal and interest of the City debt, and such amounts as are fixed by law and contained in said ordinance, and in case of any surplus arising in any fiscal year, by reason of an excess of income received from the estimated revenue over the expenditures for such year, the said surplus shall be passed to the Commissioners of Finance to be credited to the general sinking fund. Until the organization of the said Board of Estimates by the Mayor first elected under the provisions of this Article, as provided in section 25 of said Article, the Mayor, Comptroller, City Register and City Solicitor shall compose a Board to perform all the duties required of the Board of Estimates by the provisions of this Article.

**37.** Before any grant shall be made by the Mayor and City Council of Baltimore, of the franchise or right to use any street, avenue, alley, or highway, or the grant of the franchise or right for the use of any public property mentioned in Section 7 of this Article, the proposed specific grant, with the

exceptions hereafter in this Section made, shall be embodied in the form of an ordinance, with all the terms and conditions required by the provisions of this Article, and such others as may be right and proper, including a provision as to the rates, fares, and charges, if the grant provides for the charging of rates, fares and charges, and a provision that the franchise or right shall be executed and enjoyed six months after the grant. The said ordinance shall, after having been introduced in either Branch of the City Council, and after the first reading, be referred forthwith by the Branch in which the same is offered to the Board of Estimates. The said Board shall make diligent inquiry as to the money value of said franchise or right proposed to be granted, and the adequacy of the proposed compensation to be paid therefor to the City as offered in the ordinance already introduced, and the propriety of the terms and conditions of said ordinance, and said Board is empowered to increase the compensation to be paid therefor to the City, and alter the terms and conditions of said ordinance, provided such alterations are not inconsistent with the requirement and provisions of this Article, and it shall be the duty of said Board to fix in said ordinance the said compensation at the largest amount it may be able by advertisement or otherwise to obtain for said franchise or right, and no grant thereof by the City Council shall be made except for the compensation and on the terms approved by a vote or resolution of the said Board, entered on the minutes or records of such Board, and attached to said ordinance, with the signatures of a majority of said Board signed to the same. The provisions of this Section shall apply to the renewal or extension of any franchise or right relating to the use of any of the public property mentioned in Section 7 of this Article now existing, or which may hereafter be granted to any person or body corporate. *Provided*, that the right to use the streets, avenues, alleys, or other public property, by any person or body corporate for bow or bay windows, hitching posts, area-ways, steps, planting of trees, storm doors, drains and drain pipes, stands or other such temporary or similar uses, may be granted by the Board of Estimates for such an amount of money and upon such terms and conditions, as the said Board may consider right and proper. Before said Board shall grant any such right, the person or

body corporate seeking the same shall file before said Board in writing an application for such use, and in said application the use desired shall be stated, and what the applicant is willing to pay for the same must be given, and such person or body corporate shall only enjoy such use on the payment of the amount of money named by said Board, and on the terms and conditions, said Board shall prescribe in writing, and no ordinance or advertisement shall be necessary or made in such cases as are named in the proviso of this Section. *Provided*, however, that copies of said applications be served upon the adjoining property owners by said applicant before filing said application before said Board.

38. There shall be included annually in the ordinance of estimates the sum of fifty thousand dollars to be used as a contingent fund by the Board of Estimates, in case of an emergency or necessity for the expenditure of money above the appropriations regularly passed for any department, sub-department, municipal officer not embraced in a department, or special commission or board, in the interval between the annual appropriations as herein provided for. As soon as practicable after the expenditure of any part of said contingent fund, the said Board shall report to the City Council all the circumstances attending said expenditure, and the necessity for the same, and the reasons assigned by the department, sub-department, municipal officer not embraced in a department, or special commission or board, applying for and receiving the same. The City Council shall not have the power to increase or decrease, or strike out, said amount from the said ordinance of estimates.

39. The Mayor and City Council of Baltimore shall appropriate no money out of the Treasury of the City for the payment of any private claim against the City, unless such claim shall have first been presented to the Board of Estimates, together with the proofs upon which the same is founded, and reported favorably by said Board.

40. The Board of Estimates shall, on the first day of October, or as soon thereafter as practicable, in the year eighteen.

hundred and ninety-eight and in each succeeding year, procure from the proper municipal department and shall send, with the said ordinance of estimates, to both Branches of the City Council, a report showing the taxable basis for the next ensuing fiscal year, and the amount which can reasonably be expected to be realized by taxation for said year. The report shall contain an aggregate statement of all the moneys to be expended during the next ensuing fiscal year by the City, as set forth in said ordinance of estimates, as well as of any other sums, if such there be, which the City may be required to expend during the said year for any purpose or purposes not included in the ordinance of estimates, and it shall also state the total income which can reasonably be expected to be received by the City for the next ensuing fiscal year, from licenses, fees, rents and all other charges, including the amount believed to be collectible from taxes in arrears. The report shall show the difference between such anticipated expenditures and receipts of the City, and shall state a rate for the levy of taxes sufficient to realize the amount required to meet the said difference. In the ordinance making the annual levy of taxes, which ordinance shall be passed by the Mayor and City Council of Baltimore in the month of November in each year, and as soon as practicable after the passage of the ordinance of estimates, the Mayor and City Council of Baltimore shall fix a rate of taxation not less than the rate stated in the aforesaid report; so that it shall not be necessary at any time for the City, its officers or agents, to create a floating debt to meet any deficiency, and it shall not be lawful for the City, its officers or agents, to create a floating debt for any such purpose. The taxes levied under said ordinance in the month of November in each year shall be the taxes to be collected for the fiscal year next ensuing after the said month of November, and may be paid to the City Collector on or after the first day of January next ensuing said levy. The taxes included in said levy on real estate or chattels real shall be in arrears on the first day of July next ensuing the date of their levy, and the taxes included in said levy on all forms of personal property shall be in arrears on the first day of May next ensuing the date of their levy, and the taxes on both forms of said property after they become in arrears as aforesaid shall bear interest at the rate of six per centum per annum.

**41.** The Commissioners of Finance shall be the head of the fourth sub-department of Finance, and shall be a Board composed of the Mayor, Comptroller, Register and two persons appointed by the Mayor in the mode prescribed in section 25 of this Article, and who shall hold their offices as therein provided. Both of said two last-named persons shall serve without pay. The Mayor and Register shall sign all obligations of the City and all City stock. One of the persons appointed by the Mayor as aforesaid, and so designated, shall be President of said Board. The Deputy Register shall act as clerk to said Board and keep the accounts and a record of proceedings of said Board, and for which service, in addition to the salary of said Deputy Register herein provided, he shall be paid a salary of five hundred dollars per annum, payable monthly. This Board shall select the depository banks for City funds. It shall authorize all temporary loans to be made not inconsistent with this Article. It shall have charge, control and custody of all sinking funds of the Mayor and City Council of Baltimore, and shall perform such other duties as shall be prescribed by ordinances not inconsistent with this Article.

**42.** The City Collector shall be the head of the fifth sub-department of Finance, and shall be appointed by the Mayor in the mode prescribed in section 25 of this Article, and hold his office as therein provided. He shall be paid for his services in collecting City taxes the salary of two thousand dollars per annum, payable monthly. He shall be the collector of all taxes and assessments on real property levied or made by the City. He shall in October in the year eighteen hundred and ninety-eight and in each year thereafter, immediately upon the receipt of the statement from the Appeal Tax Court showing the taxable basis for the next ensuing fiscal year, as provided for in section 171 of this Article, begin the preparation of the tax bills on said basis, and after the levy of taxes has been made he shall complete said bills and have them ready for payment by the taxpayers on the first day of January next ensuing said levy, or as soon thereafter as practicable. He shall have such assistants, clerks and bailiffs as may be fixed by ordinances, and who shall perform such duties as shall be prescribed by ordinances not inconsistent with this Article.

**43.** Whenever it shall become necessary to sell any part or parcel of ground in the City of Baltimore, improved or unimproved, for the payment of any taxes or assessment, of any nature or kind whatever, levied or charged, the City Collector shall first give notice by advertisement published, once a week for four successive weeks in two of the daily newspapers published in said City, one of which shall be in the German language, that he will sell said property at public auction on the day in the said advertisement mentioned; said notice shall state the name of the person, when known, to whom such parcel of ground is assessed, the amount of taxes due on the same, and what improvements, if any, are on said parcel of ground, and to properly describe said property the City Surveyor shall actually survey and furnish to the City Collector a description and plat of each lot so in arrear and the sum to be paid for each survey, including the description and plat, shall be three dollars and fifty cents, said sum to be added to the tax bill and collected in the same manner as the bill itself. The Collector shall, before advertising said property for sale, give to the person or persons so in arrears, or to one of them if more than one, or leave at his or her or their residence or last known residence of one of them, and if no such residence be known there shall be left upon the premises so to be sold for taxes, a statement of his or her or their indebtedness, and not less than thirty days' notice of his (said Collector's) intention if the bill is not paid to enforce the payment thereof by distraint or execution.

**44.** The City Collector shall require the purchaser of such property on the day of sale, or the day next succeeding, to pay on account of said purchase the amount assessed or taxed on the lot so sold, together with all costs and charges, and no more, and the residue of the purchase money shall remain on a credit of one year and a day.

**45.** If the property so sold shall not be redeemed at the expiration of a year and a day from the day of sale, the City Collector shall, when required, and on payment of the full amount of the purchase money, execute a deed for the same to the purchaser, and the balance of the purchase money so received by him shall be paid to the City Register.

46. If it shall appear that the owner of the said lot or parcel of ground prior to the execution of the deed for the same by the City Collector, cannot, after reasonable effort, be found, or if said owner shall refuse to receive said balance of money, then in either case the City Register shall invest the same for the benefit of such owner in any public debt of the State of Maryland or Mayor and City Council of Baltimore, and shall safely keep the same, and from time to time collect the interest due thereon, and invest for the benefit of such owner the interest from time to time in the said stock.

47. When any lot or parcel of ground in the said City shall be sold by reason of the non-payment of the tax or assessment due thereon, the owner or other persons having an estate or interest therein shall have power to redeem the same at any time within one year and a day from the day of sale, on paying or tendering in payment to the City Collector the whole amount of money received by such City Collector from the sale of the lot or parcel of ground to be redeemed, and a further sum of one-half per cent. per month interest from the time of sale to the time of such tender; and the sums so paid shall be by the City Collector delivered or tendered to the purchaser, whose right in the property so purchased shall thenceforth cease and determine.

48. In all cases where lands held in fee simple or by lease have been sold, or shall be sold for payment of taxes in arrears, according to the provisions of existing laws, it shall be the duty of the City Collector to report the said sale, together with all the proceedings had in relation thereto to the Circuit Court of said City. The court to which such report shall be made shall examine the said proceedings, and if the same appear to be regular, and the provisions of law in relation thereto have been complied with, shall order notice to be given by advertisement published in such newspapers as the court shall direct, warning all persons interested in the property sold to be and appear by a certain day in the said notice to be named, to show cause, if any they have, why said sale should not be ratified and confirmed; and if no cause or an insufficient cause be shown against the said ratification, the said sale shall, by order of said



court, be ratified and confirmed, and the purchaser shall, on payment of the purchase money, have a good title to the property sold; but if good cause, in the judgment of the said court, be shown in the premises, the said sale shall be set aside; in which case the said City Collector shall proceed to a new sale of the property and bring the proceeds into court, out of which the purchaser shall be repaid the purchase money paid by him to the City Collector on said rejected sale, and all taxes assessed on said real estate and paid by said purchaser since said sale, and all costs and expenses properly incurred in the said court, with interest on all such sums from the time of payment; and if the purchaser has not paid the purchase money or the subsequent taxes, to apply said proceeds to the payment of the taxes for which said real property may have been sold, and all subsequent taxes thereon then in arrears, with interest on the same, according to law, and the costs of the proceedings; but such sale shall not be set aside if the provisions of the law shall appear to have been substantially complied with; and the burden of proof shall be on the exceptant to show the same to be invalid under the law.

**49.** Whenever the City Collector shall have distrained or levied upon any goods or chattels in said City for non-payment of any taxes, State or municipal, due by the owner thereof, before making sale of the property so distrained or levied upon, said City Collector shall give notice by advertisement published twice a week for one week prior to the day of sale, and also on the day of sale, in three of the daily newspapers published in said City, one of which shall be in the German language, that he will sell for cash, at public auction, to the highest bidder, on the day and at the time and place mentioned in said advertisement, the property therein specified, unless on or before the day of sale the entire amount of taxes for which such distraint or levy shall have been made, with the interest thereon, and costs of making said levy and advertisement, shall be paid.

**50.** Every City Collector who shall sell any goods or chattels levied or distrained upon for taxes, State or municipal, in Baltimore City, after due advertisement, as required in the preceding section, shall retain out of the proceeds of sale the amount

of taxes due from the delinquent, for which such levy or distraint shall have been made, with the interest thereon, and all costs incurred in making said sale, and shall pay over the surplus, if any, to the owner of the property so levied upon and sold.

**51.** The City Collector shall not be required to distrain for any taxes assessed or levied upon real estate or personal property, but he shall at least two weeks before the taxes become payable give notice by advertisement in three daily papers published in Baltimore City of the day on which all taxes for the ensuing fiscal year become due; and shall on the application in person or by agent or by mail of any person to whom property is assessed deliver or send by mail a bill showing the amount of taxes due by such person two weeks before the day on which such taxes shall by law be in arrear. He shall give notice by advertisement in the same way that all taxes not paid on or before that date will be in arrears, and that the property on which said taxes are levied will then be subject to be sold for taxes. And said notices shall further state that unless the taxes so in arrear are paid within thirty days thereafter three per cent. of the gross amount thereon shall be added to each bill for taxes in arrear, and at the expiration of thirty days from such notice, if the same be not then paid, three per centum of the gross amount of each bill for said taxes in arrear shall be added thereto as a penalty and collected in the same manner as the bill itself, said penalty to be paid to the City Collector and by him to the City Register to the credit of the Mayor and City Council; to provide for the expense of collecting the taxes for the fiscal year 1900, the Mayor and City Council may by ordinance appropriate the moneys so to be paid to the Register in payment of the expenses for collecting the taxes for that year.

**52.** The Mayor shall appoint in the mode prescribed in section 25 of this Article, and he shall hold his office as therein provided, one Collector for Baltimore City, for the collection of all State taxes levied or to be levied for any year; and it shall not be lawful for the municipal authorities of said City to provide any fixed annual or other stated compensation for the collection of the State taxes, or a salary of any

kind, to the said Collector for his services in collecting the State taxes, otherwise than by a per centum on the amount of his collections, as prescribed in this Article.

**53.** The Collector of State Taxes in the City of Baltimore, before he acts as such, shall give a bond to the State of Maryland in the penalty of seventy-five thousand dollars, to be approved by the Governor, with the condition that if the above bound——shall well and faithfully execute his office, and shall account to the State Comptroller for, and pay to the Treasurer of the State, the several sums of money which he shall receive for the State, or be answerable for by law, at such times as the law shall direct, then such obligation to be void, otherwise to remain in full force and virtue in law. The said Collector's bond, when approved by the proper authorities in the City of Baltimore, shall be recorded in the office of the Clerk of the Superior Court of Baltimore City, and when approved by the Governor shall be filed in the office of the State Comptroller.

**54.** The Collector of State Taxes in the City of Baltimore shall make daily deposits of such sums of money as he shall receive for State taxes collected by him, less the amount of commission allowed him for the collection of the same, to the credit of the Treasurer of the State of Maryland, in some bank in said City which pays to the State the bonus or school tax, as provided by law, to be designated by the said Treasurer, and shall send to the Treasurer a statement of the amount so deposited within the first ten days of each month, with a certificate of the bank that the same is so deposited; and on failure to make such daily deposits and to send such certificate, he shall, on proof thereof to the satisfaction of the Governor, be liable to removal from office by the Governor, and the State Comptroller shall immediately enter suit upon his bond.

**55.** The Treasurer of the State may make weekly examination of the books of the Collector of State Taxes in Baltimore City, whose books shall always be open to such inspection.

56. If there be no Collector of State Taxes qualified and compensated in conformity with the provisions of this Article in said City by the fifteenth day of October in any year, the Governor shall appoint from any part of the State a Collector for the said City, who shall give bond, with sureties to be approved by the Governor, and be in all respects on a footing with other State Collectors' bonds as provided in the Public General Laws, Article 81, title "Revenue and Taxes," and the said Collector shall have all the power of other Collectors.

57. The Mayor and City Council of Baltimore shall levy upon the assessable property in the City of Baltimore such commission as will in its judgment insure a speedy collection of said State taxes, not exceeding two per centum on the amount to be placed in the hands of said Collector of State Taxes for Baltimore City; said commission to be levied for the use of said Collector, and to be collected as other charges are collected.

58. The City Collector shall be the Collector of State Taxes, and perform the duties as herein provided, unless otherwise provided by ordinance of the Mayor and City Council of Baltimore.

59. The Collector of Water Rents and Licenses shall be the head of the sixth sub-Department of Finance, and shall be appointed by the Mayor in the mode prescribed in Section 25 of this Article, and hold his office as therein provided. He shall be paid the salary of two thousand five hundred dollars per annum, payable monthly. He shall collect all water rents and license fees, and all other dues, or revenues to which the Mayor and City Council of Baltimore is or may be entitled except otherwise provided in this Article, and he shall have such assistants and clerks and shall perform such other duties as shall be prescribed by ordinance not inconsistent with this Article. All licenses imposed by ordinance shall be due and collectible in the first week of January in each year, and it shall be the duty of said Collector of Water Rents and Licenses to see that said licenses are paid at that time. *Provided*, that the

Mayor and City Council of Baltimore may, if the public service permits, assign the duties to be performed by this Section to be performed by the Collector of Water Rents and Licenses, to some other municipal official, and when so done by ordinance this office may be abolished.

*Department of Law.*

**60.** There shall be a Department of Law of the Mayor and City Council of Baltimore ; the head of said department shall be the City Solicitor.

**61.** The City Solicitor shall be appointed by the Mayor in the mode prescribed in section 25 of this Article, and hold his office as therein provided. He shall be a member of the Baltimore Bar, who has practiced his profession for not less than ten years in Baltimore City, and he shall receive a salary of four thousand dollars per annum, payable monthly.

**62.** The City Solicitor shall be the legal adviser of the Mayor and City Council of Baltimore and its several departments, and special commissions or boards, and shall have general supervision and direction of all legal business of the City. He shall have charge of the preparation and trial of all suits, actions and proceedings of every kind to which the City shall be a party in any Court, local, State or Federal, and he shall personally participate in the trial of all such suits in any of the Federal Courts, and in the Court of Appeals of Maryland, and of all such suits in other Courts which the Mayor may request him in writing to try, and shall discharge such other duties as may from time to time be prescribed by ordinances, not inconsistent with this Article. He shall appoint in writing three assistants, to be known as the First, Second and Third Assistant City Solicitors, all of whom shall be members of the Baltimore Bar, and shall hold their respective positions during the pleasure of the City Solicitor, at salaries, payable monthly, of three thousand dollars per annum for the First Assistant, and twenty-five hundred dollars per annum for the Second Assistant, and

eighteen hundred dollars per annum for the Third Assistant. The City Solicitor is authorized to assign to his assistants such duties in addition to those hereby assigned to them as he shall deem most conducive to the efficient discharge of the business of the Law Department. The First Assistant shall aid the City Solicitor in the discharge of his court duties, and shall try all cases in which the City is interested in any court in the State of Maryland, and he shall act as junior counsel to the City Solicitor in any court in which his services may be required. He shall act as prosecuting attorney on behalf of the City to assist the State's Attorney in the prosecution of all violations of City ordinances, subject to the direction and control of the City Solicitor, and shall perform such other duties as may be assigned to him by the City Solicitor. The Second Assistant to the City Solicitor shall have charge, subject to the control and direction of the City Solicitor, of the examination of all titles on behalf of the City, and shall discharge such other duties as may be assigned to him by the City Solicitor. The Third Assistant to the City Solicitor shall, subject to the control and direction of the City Solicitor, try all cases in which the City is interested before any Justice of the Peace, and in all cases in the City Court of appeals from Justices of the Peace. He shall file, subject to the direction and control of the City Solicitor, all reports of sales for taxes by the City Collector, and shall discharge such other duties as may be assigned to him by the City Solicitor. He shall have his office in the permanent offices of the Law Department, and shall remain there from 11 A. M. to 2 P. M. daily, Sunday and legal holidays excepted, when not elsewhere engaged on the business of the City, or unless temporarily absent by leave of the City Solicitor.

**63.** The City Solicitor shall give advice and opinions in writing upon any legal questions affecting the interest of the City which may be submitted to him in writing by the Mayor or either Branch of the City Council, or any committee thereof, or the head of any department, or a special commission or board. All deeds, bonds, contracts and other legal instruments involving the interest of the City or to be executed by or

passed to the Mayor or other officer of the City shall, before they are executed or accepted, be submitted to the City Solicitor and have endorsed upon them his opinion as to their sufficiency and their compliance in terms and conditions with the laws or ordinances under which they are executed. It shall be the duty of all officers and departments of the City to submit all such bonds, contracts or other written instruments to the City Solicitor for his approval before executing or accepting the same.

**64.** The Law Department shall have its offices and headquarters in such rooms in the City Hall, or elsewhere, as the Mayor may designate, to be provided and furnished at the expense of the City, which shall be open on all business days between the hours of 9 A. M. and 3 P. M. All papers and documents relating to the legal business of the City shall be permanently filed in said office.

**65.** The City Solicitor is authorized to employ, at a total cost not exceeding twenty-five hundred dollars per annum, a clerk, stenographer and typewriter, and such other assistants as he may require, who shall at all times be subject to his orders. The said clerk shall, subject to the direction of the City Solicitor, have charge and custody of the office and papers of the Law Department, which shall be arranged and indexed by him in such convenient and orderly manner as to be at all times readily accessible. He shall also keep in said office a complete docket and duplicate pleadings of all suits, actions or proceedings in which the City or any department or official thereof is interested, pending in any court or tribunal, upon which docket such appropriate entries shall be made as to show at all times the condition of each one of such cases. He shall also keep and record in a book to be provided for that purpose, the original or duplicate copies of all written opinions furnished by the Law Department to the City, or to any department or official thereof, and also of all abstracts of titles furnished to the City by the Law Department. He shall also procure, as far as possible, all legal opinions and abstracts of title which

have heretofore been furnished to the City, or any department or official thereof, and shall file and arrange such opinions and abstracts in such manner and order as to be at all times readily accessible, and shall make and preserve an index thereof. He shall also procure all law books heretofore purchased by the City and in the possession of any law officer or ex-law officer of the City, and arrange them in a proper bookcase.

66. The City Solicitor shall have authority, with the written approval of the Mayor, to institute on behalf of the Mayor and City Council of Baltimore, any suit, action or proceeding in any court, or tribunal, local, State or Federal. All appeals on behalf of the City to the Court of Appeals, the Supreme Court of the United States, the United States Circuit Court of Appeals or to any other Court shall be taken upon the written order of the City Solicitor, approved by the Mayor.

67. The City Solicitor and his Assistants shall be allowed reasonable traveling expenses outside of the City, to be audited by the Comptroller, when on business connected with the Law Department.

#### *Department of Public Safety.*

68. There shall be a Department of Public Safety of the Mayor and City Council of Baltimore, which shall consist of the Board of Fire Commissioners, Commissioner of Health, Inspector of Buildings and Commissioners of Street Cleaning, and *ex officio* the President of the Board of Police Commissioners. The head of said department shall consist of a Board of Public Safety, composed of the President of the Board of Fire Commissioners, who shall be President of said Board, Commissioner of Health, Inspector of Buildings, Commissioner of Street Cleaning, and the President of the Board of Police Commissioners. This Board shall be for consultation and advice, and it shall have no power to direct or control the duties or the work of any sub-department. It shall perform such other duties as may be required of it by ordinances not inconsistent with this Article.



**69.** The Board of Fire Commissioners shall be the head of the first sub-department of Public Safety, and shall consist of a Board of three persons appointed by the Mayor in the manner prescribed in section 25 of this Article, and hold their offices as therein provided, and they shall have control, regulation and supervision of the Fire Department and matters relating to the same, and shall perform such other duties as may be required by ordinances not inconsistent with this Article. One of said three persons shall be designated by the Mayor as the President of said Board. Each member of said Board shall be paid a salary of one thousand dollars per annum, payable monthly. They shall have power to appoint all subordinates in their sub-department, and fix their compensation, not, however, to exceed in number of employees or aggregate amount of compensation the limits fixed by ordinance.

**70.** The Board of Fire Commissioners of the City of Baltimore may retire from office in the Fire Department any permanent or call member thereof who has become permanently disabled while in the actual performance of duty, or who has performed faithful service in the department for a period of not less than twenty consecutive years, or who may become unable to perform further service by reason of age or other physical or mental disabilities, and place the member so retired upon a pension roll. And said Board may also provide for the relief of the widows and children of firemen who may be killed in the discharge of duty. The amount of such annual pension to be allowed by said Board of Fire Commissioners to each pensioner shall be equal to one-half the yearly amount then being received by him, for service in said department at the time of such retirement, per annum, payable in monthly installments.

**71.** The Commissioner of Health shall be the head of the second sub-department of Public Safety. He shall be appointed by the Mayor, in the mode prescribed in section 25 of this Article, and hold his office as therein provided. It shall be his duty to cause all ordinances now in existence or which may hereafter be enacted for the preservation of the health of the City of Baltimore, not inconsistent with this Article, to be faithfully executed and strictly observed; and all power and au-

thority now lodged in the Board of Health in said City shall be and the same is hereby transferred to the Commissioner of Health. His salary shall be three thousand five hundred dollars per annum, payable monthly, and he shall be a physician of five years' experience and active practice at the time of his appointment. He shall perform such duties in this department as are now required or may hereafter be prescribed by ordinances not inconsistent with this Article. The Commissioner of Health may appoint two Assistant Commissioners of Health, a Medical Examiner and an Assistant Medical Examiner, and a reasonable number of clerks and subordinates, and fix their compensation, but no greater number of persons shall be appointed by or employed under said Commissioner of Health than the public interests demand and the appropriation by the Mayor and City Council of Baltimore shall justify.

**72.** There may be appointed by the Commissioner of Health, a reasonable number of Sanitary Inspectors for said City, not exceeding fifteen, of whom two may be physicians, and one, at least, shall be a person skilled in the matters of drainage and ventilation; and the Commissioner of Health from time to time may prescribe the duties of each, consistent with the ordinances now existing or hereafter enacted, and not inconsistent with this Article.

**73.** The Commissioner of Health shall appoint all inspectors and analysts of bakeries, bake shops, candy factories, confectioners or other places for the manufacture of bread, cakes, confectionery and similar food products, for the purpose more especially of ascertaining their sanitary condition and cleanliness, and for the purpose of ascertaining the purity, healthfulness and wholesomeness of the flour, sugar, butter, lard or other ingredients used in making such bread, cakes, confectionery and other articles of food offered for sale in the City of Baltimore, or intended for consumption therein, as by ordinance may be prescribed.

**74.** The Commissioner of Health shall appoint all inspectors and analysts for the proper inspection of milk or any and all other food products offered for sale in the City of Balti--

more, or intended for consumption therein, as by ordinance may be prescribed.

**75.** One of the Assistant Commissioners of Health, who shall be a legally authorized practicing physician in good standing, shall be assigned to the performance of the duties of Quarantine Hospital Physician. He shall reside permanently on the grounds attached to the hospital on the southern shore of the Patapsco River, and known as the Quarantine Hospital of the Port of Baltimore, and shall superintend all the affairs of the hospital and the adjacent grounds, under the direction of the Commissioner of Health. Whatever powers have been heretofore granted by the Mayor and City Council of Baltimore, in regard to quarantine regulations, to the Board of Health, are hereby transferred to the Commissioner of Health, subject to alteration, amendment or repeal by ordinances not inconsistent with this Article.

**76.** In consideration of the duties to be performed by one of the Assistant Commissioners of Health as Quarantine Hospital Physician, said officer shall hereafter receive, in lieu of all commissions and fees, a salary of three thousand dollars per annum, payable monthly, and he may occupy the dwelling on the hospital grounds free of charge, but all expenses incurred for his support, or that of his family, shall be defrayed out of his salary. The other Assistant Commissioner of Health shall be allowed a salary of two thousand dollars per annum, payable monthly.

**77.** The Commissioner of Health shall annually appoint a Vaccine Physician for every ward of the City of Baltimore, who shall be a resident of the ward for which he may be appointed, who shall vaccinate in his ward all such persons as may be designated by the Commissioner or Assistant Commissioner of Health as susceptible to smallpox contagion, and whose duty it shall be to visit each dwelling house in the ward for which he is appointed and vaccinate every person who may be presented to him for that purpose, and to be prepared at his office at such hours as may be designated by the Commissioner of Health to vaccinate all who may there call on him that are

residents of said ward requiring vaccination. He shall keep a record of the names, ages and residences of all whom he shall vaccinate or re-vaccinate, and report the same monthly under oath or affirmation to the Commissioner of Health, and shall also report to said Commissioner of Health monthly the names of all persons who shall refuse to suffer themselves or the members of their household to be vaccinated when the same shall be necessary. He shall discharge all other duties which may be required of him as such Vaccine Physician by ordinances not inconsistent with this Article, and shall also discharge the duties of Sanitary Inspector for his ward. Each Vaccine Physician shall be paid a salary of not more than nine hundred dollars per annum, to be fixed by the Health Commissioner, payable monthly.

**78.** Each of the said Vaccine Physicians shall act as health warden of his respective wards, and shall sign, without charge, all certificates that may be required of him to enable children from the respective vaccine districts to enter any of the public schools of Baltimore; and he shall have a general supervision of the health of his respective wards, and report to the Commissioner of Health any nuisance which in his opinion is or may become a source of disease, and in case of the manifestation of any contagious disease, he shall at once, under the direction of the Commissioner of Health, proceed to use such means as the nature of the case may demand, to arrest its progress.

**79.** The Inspector of Buildings shall be the head of the third sub-department of Public Safety. He shall be an architect or builder of ten years' experience in the active practice of his profession and have had responsible charge of work for at least that length of time. He shall be appointed by the Mayor in the mode prescribed in section 25 of this Article, and hold his office as therein provided, and under this department he shall have the supervision of the construction of all buildings erected in the said City, and shall see that the building laws relating to the construction of said buildings shall be complied with, and he shall perform such other duties as may be prescribed by ordinances not inconsistent with this Article. He shall be paid a salary of three thousand dollars per annum, payable monthly.

**80.** It shall be the duty of the Inspector of Buildings to visit and inspect all theaters, hotels, public halls, churches, school-houses and buildings used for public assemblages, and all manufactories employing twenty-five or more persons, now erected or that may hereafter be erected in the City of Baltimore, for the purpose of ascertaining if said buildings have the proper means of exit in case of fire or panic; and if, on examination, the said Inspector of Buildings shall determine that said buildings, as herein enumerated, have not the proper means of exit for the purposes herein prescribed, then it shall be the duty of the said Inspector of Buildings to notify in writing, the owners, trustees or lessees of said buildings that the proper means of exit do not exist, and direct the said owners, trustees or lessees of said buildings, as herein enumerated, to so improve the same as to provide the proper means of exit, in case of fire or panic, as in the judgment of the said Inspector of Buildings he may deem proper and necessary.

**81.** If any person having been notified, as provided in the preceding section, shall fail to comply with said notice, he shall, after the expiration of thirty days from the date of said notice, forfeit and pay a fine of one hundred dollars for non-compliance therewith, and twenty-five dollars per day for each and every day thereafter that he shall refuse to make such improvements as prescribed in the notice so given, as provided in the preceding section; said fines to be collected as other fines are collected by law.

**82.** It shall be the duty of the Inspector of Buildings to enforce the execution of all existing or hereafter enacted building regulations and ordinances relating to the construction, alteration and removal of buildings, or other structures, walls or parts of buildings or other structures. The Inspector of Buildings shall have power to appoint such assistants and subordinates, clerks and employees as are or may hereafter be prescribed by ordinance, and fix their compensation, not to exceed in the aggregate the amount allowed by ordinance.

**83.** The Commissioner of Street Cleaning shall be the head of the fourth sub-department of Public Safety. He shall be appointed by the Mayor in the mode prescribed in section

25 of this Article, and hold his office as therein provided. He shall be charged with the duty of cleaning the streets, as well as the cleaning of the sewers, subject as to the latter to the direction and orders of the City Engineer; and shall perform such other duties as may be prescribed by ordinances not inconsistent with this Article. He shall be paid a salary of two thousand five hundred dollars per annum, payable monthly. The Commissioner may appoint such subordinates as his department shall require, and fix their compensation, not to exceed in the aggregate the amount appropriated by ordinance.

*Department of Public Improvements.*

84. There shall be a Department of Public Improvements of the Mayor and City Council of Baltimore, which shall consist of the City Engineer, Water Board, Harbor Board and Inspector of Buildings. The head of said department shall be a Board of Public Improvements, composed of the City Engineer, who shall be President of said Board, the President of the Water Board, the President of the Harbor Board, and the Inspector of Buildings. This Board shall be for consultation and advice, it shall have no power to direct or control the duties or the work of any sub-department under this department. It shall perform such other duties as may be required of it by ordinances not inconsistent with this Article. Until the organization of said Board of Public Improvements by the Mayor first elected under the provisions of this Article, as provided in section 25 of said Article, the City Commissioner, Engineer of the Water Board, Engineer of the Harbor Board and Inspector of Buildings, shall compose a Board to perform all the duties required of the said Board of Public Improvements by the provisions of this Article.

85. When any ordinance for a public improvement, not included in the ordinance of estimates furnished by the Board of Estimates under the provisions of this Article, exceeding in cost the sum of two thousand dollars has passed its first reading in the Branch of the City Council in which it originates, it shall be referred to the Board of Public Improvements for an opinion, in writing, as to its advisability and whether the wants

of the City actually require such an improvement, and by the last named Board with such opinion attached to said ordinance it shall be sent to the Board of Estimates for its opinion, in writing, as to the probable cost of the same and whether the financial condition of the City will justify such an expenditure. No further action with regard to said ordinance shall be taken by the City Council until said reports have been made and submitted to both Branches of the City Council and read and entered on the respective journals of said Branches. It shall be the duty of both of the said Boards to promptly make the said reports, and the Board of Estimates shall return the same attached to said ordinance to the City Council.

**86.** The City Engineer, who shall be the head of the first sub-department of Public Improvements, shall be appointed by the Mayor in the mode prescribed in section 25 of this Article, and hold his office as therein provided. He shall have control and supervision of the streets, highways, lanes and alleys of the City of Baltimore, both as to their construction, paving and curbing. He shall construct all sewers, unless otherwise provided by ordinance. He shall be a civil engineer in the active practice of his profession for five years, and one who has had responsible charge of work for at least that length of time. He shall perform all the duties heretofore performed by the City Commissioner unless otherwise provided in this Article. He shall receive a salary of four thousand dollars per annum, payable monthly, and perform such other duties as may be prescribed by ordinances not inconsistent with this Article. He shall have power to appoint such subordinates as he may require, and fix their compensation, not, however, to exceed in number or compensation the limits fixed by ordinance.

**87.** The Water Board shall be the head of the second sub-department of Public Improvements, and shall have charge of the water supply to the inhabitants of the City of Baltimore, and shall consist of five persons appointed by the Mayor in the manner prescribed in section 25 of this Article, and hold their offices as therein provided. One of said five persons, who shall be the President of said Board and known as the Water Engineer, and so named by the Mayor, shall be a civil

engineer in the active practice of his profession for five years, and who has had responsible charge of work for at least that period of time. The Water Engineer shall receive a salary of four thousand dollars per annum, payable monthly, and the other members of said Board shall serve without pay. All subordinates employed in said sub-department shall be appointed by the Water Engineer, subject to the approval of said Board, he shall fix their compensation not to exceed in the aggregate the amount appropriated by ordinance. The Water Engineer and Water Board shall perform such other duties as are now or may hereafter be prescribed by ordinances not inconsistent with this Article.

**88.** The Harbor Board shall be the head of the third sub-department of Public Improvements, which shall have charge of the harbor, wharves and navigable waters in and adjacent to the City of Baltimore. It shall consist of five persons appointed by the Mayor in the manner prescribed in section 25 of this Article, who shall hold their offices as therein provided. One of said five persons, who shall be the President of said Board and known as the Harbor Engineer, and so named by the Mayor, shall be a civil engineer in the active practice of his profession for five years, and who has had responsible charge of work for at least that period of time. The Harbor Engineer shall receive a salary of four thousand dollars per annum, payable monthly, and the other members of said Board shall serve without pay. All subordinates employed in said sub-department shall be appointed by the Harbor Engineer, subject to the approval of said Board, who shall fix their compensation, not to exceed in the aggregate the amount appropriated by ordinance. The Harbor Engineer and Harbor Board shall perform such other duties as may hereafter be prescribed by ordinances not inconsistent with this Article.

**89.** The Inspector of Buildings shall be the head of the fourth sub-department of Public Improvements, and shall be the same officer whose appointment is provided for herein in the Department of Public Safety. The duties he shall perform in this department and sub-department shall be the superintendence of the construction and repairing of all buildings built



by the City, unless otherwise provided by ordinances. He shall receive no additional pay for his services rendered in this department. He shall perform such other duties in this department as may be required of him by ordinances not inconsistent with this Article.

*Department of Public Parks and Squares.*

**90.** There shall be a Department of Public Parks and Squares of the Mayor and City Council of Baltimore. The head of said department shall consist of a Board of Park Commissioners, composed of five members, to serve without pay, appointed by the Mayor in the manner prescribed in section 25 of this Article, and to hold their offices as therein provided. One of whom shall be President thereof, and shall be so designated by the Mayor, and said Board shall elect a Secretary, who shall be paid a salary of one thousand five hundred dollars per annum, payable monthly, and he shall be the clerk of said Board, and shall perform such duties as may be prescribed by said Board. The said Board shall perform such other duties as may be prescribed by ordinances not inconsistent with this Article.

**91.** The Board of Park Commissioners shall have charge and control of all public parks, squares, springs and monuments belonging to, controlled by or in the custody of the Mayor and City Council of Baltimore.

**92.** The Board of Park Commissioners shall have power from time to time to make such rules and regulations for the government and preservation of order within the parks, squares, springs and monuments belonging to, controlled by, or in the custody of the Mayor and City Council of Baltimore, as it may deem expedient. To carry out such regulations, fines not exceeding in any one case one hundred dollars shall be imposed for breaches of said rules and regulations, which fines shall be recoverable as other fines are in the name of the City, and said amounts so recovered shall be used and appropriated to the purposes of the Board of Park Commissioners.

**93.** The Board of Park Commissioners is authorized and empowered to regulate the speed of vehicles and equestrians within one mile of the approach and within the limits of said parks and squares, and to impose the fines provided for in the preceding section for the violation of any regulations it may establish in this connection, to be recovered as therein provided.

**94.** The several members of the said Board of Park Commissioners shall have the power of conservators of the peace within the limits of said parks and squares.

**95.** The Board of Police Commissioners of Baltimore City is directed at the request of the Board of Park Commissioners to detail from time to time such of the regular police force of said City as the said Board of Park Commissioners may deem necessary for the preservation of order within said parks and squares, according to the regulations aforesaid, which policemen shall be under the direction of said Board of Park Commissioners, and shall have the same power in said parks and squares that the police of the City of Baltimore have as conservators of the peace in Baltimore City or elsewhere.

**96.** In addition to the powers now or hereafter conferred upon the Board of Park Commissioners, it is authorized to form zoological collections within the limits of said parks or squares by the purchase and collection of live, wild or other animals, for the purpose of public exhibition for the instruction and recreation of the people, with power to make contracts in regard thereto ; and shall be capable at law to hold, in the name of the Mayor and City Council of Baltimore, and at pleasure to dispose of gifts, devises and other property for the use of said collections.

**97.** The said Board of Park Commissioners shall have full power to employ and compensate all persons whom, in its judgment, it may deem proper, in maintaining and supporting such parks, squares, springs and monuments, or any other buildings, collection, garden or reservation provided for in this Article. The distribution of the park fund for the main-

tenance of the different parks and squares shall be made by the Park Commissioners; *provided*, nothing contained in this Section or elsewhere in this Article shall be taken or construed to exempt the said Board of Park Commissioners from a full compliance with all the requirements of Section 36 of this Article, and the said Board of Park Commissioners shall spend no part of said park fund unless such expenditure is authorized and included in the annual ordinance of estimates; and *provided further*, the Board of Park Commissioners who go into office on the first day of March, in the year 1900, shall make such report to the Board of Estimates as soon thereafter as possible, which report shall include all expenditures to be made by said Board of Park Commissioners for the remainder of the current fiscal year, and the Board of Estimates shall prepare and submit to the City Council a supplemental ordinance of estimates, to include the amount which the said Board of Estimates may deem proper to be spent by said Board of Park Commissioners for the remainder of said current fiscal year.

98. The night watchmen employed by the Board of Park Commissioners shall have, while on duty, the same power that police in said City have as conservators of the peace.

#### *Department of Education.*

99. There shall be a Department of Education of the Mayor and City Council of Baltimore. The head of said department shall consist of a Board of School Commissioners composed of nine persons, who shall serve without pay, and who shall be appointed by the Mayor in the mode prescribed in section 25 of this Article, and removable as therein provided. One of said Commissioners shall be President of said Board and so designated by the Mayor when appointed. Their term of office shall be six years, three of them to retire at the end of every two years. The Board first appointed shall determine by lot their term of office, so as to provide for the retirement in the succeeding two and four years of three of their number. The members of said Board shall be residents of the City of Baltimore for at least one year and citizens of the State of Maryland for at least five years prior to their

appointment. The members of said Board shall be chosen by the Mayor from among those he deems most capable of promoting the interests of public education, by reason of their intelligence, character, education or business habits. In the selection of members of said Board and in their action in the administration of the public schools, ecclesiastical and party ties shall not be regarded, so that the public schools may be entirely out of the field of political and religious differences and controversies. The said Board shall confirm or reject all nominations of teachers made to it, as hereinafter provided by the Superintendent of Public Instruction and his Assistants. It shall not confirm the appointment of any teacher whose name does not appear upon the graded list hereinafter provided for. All officers, secretaries, clerks and employees shall be appointed by said Board, and may be removed by it at pleasure, and any teacher may be removed by said Board on the recommendation of the Superintendent of Public Instruction after charges preferred and trial had. The salaries of all officers, teachers, secretaries, clerks and employees shall be fixed by said Board, not to exceed in the aggregate the amount appropriated by ordinance. Whenever the construction of a new school house or the enlargement and repairs of an old school house is authorized, the instructions of the Board of School Commissioners shall be regarded by the Inspector of Buildings in the preparation of his plans, and no plans shall be finally adopted without the concurrence of said Board. All text-books, stationery and furniture required for the public schools shall be purchased by the said Board after a compliance with all the requirements of sections 14 and 15 of this Article except the requirement of said section as to the Board to open and award said contracts.

**100.** The said Board shall appoint the Principal, Professors, Tutors and Instructors of the City College, the Principals, Tutors and Instructors of the Polytechnic Institutes, and of the High Schools. It shall also appoint a Superintendent of Public Instruction and one or more Assistant Superintendents of Public Instruction, one of whom shall be the First Assistant, and shall act as Superintendent of Public Instruction if that officer is disabled. The said Superintendents shall all be persons of

education and experience in the management of schools, and they shall be not less than twenty-five years of age, at the time of their appointment, and shall discharge the duties herein prescribed and such other duties as the said Board may direct. In order to secure the continuance of local interest in and oversight of the public schools, there shall be appointed annually by said Board such number of unpaid School Visitors as may be found requisite. One or more of these Visitors shall be assigned to every school, and every Visitor so assigned shall be a resident or engaged in business within half a mile of the school to which he or she is assigned, so that the parents and inhabitants of every neighborhood may have easy access to an official of the public schools. The said Visitors shall perform the duties hereinafter prescribed, and such other duties as the said Board may direct. The said Board may also appoint a Supervisor of the Heating, Plumbing and Ventilation of School Buildings, to be known as Supervisor of School Buildings, who shall, in addition to the supervision of school buildings in respect to their heating, plumbing and ventilating, perform such other duties as the Board may direct.

**101.** The duties of the Superintendent of Public Instruction and Assistant Superintendents of Public Instruction shall include the examination of teachers and their nomination to the Board of School Commissioners for appointment or promotion, and the supervision of schools, and the study and suggestion of methods by which the public school system of the City of Baltimore may be maintained and improved. They shall hold regular meetings as a Board of Superintendents of Public Instruction and keep a record of the same, which shall be submitted to the Board of School Commissioners. For the work of supervision and examination, standing committees shall be designated by the Superintendent of Public Instruction annually. Of every such committee, the Superintendent of Public Instruction or the First Assistant Superintendent of Public Instruction, or both, shall be members *ex-officio*, and the number of additional members shall be determined from time to time, as circumstances may require. Every school shall be visited at frequent intervals by the Superintendent of Public Instruction or one of the Assistant Superintendents of

Public Instruction, and written reports on its condition shall be filed in the office of the Superintendent of Public Instruction, with such recommendations as circumstances may call for. It shall be the duty of the Superintendent of Public Instruction and his Assistants, to devote their services exclusively to the public schools under such regulations as the Board of School Commissioners may prescribe. It shall be the duty of the said Superintendent of Public Instruction, with the aid of the Supervisor of School Buildings, to ascertain the sanitary condition of every school, and to report to the proper authorities what repairs or improvements are necessary. It shall be the duty of the Superintendent of Public Instruction and his Assistants, as examiners, to ascertain, by appropriate committees, appointed as hereinbefore provided, the training, knowledge, aptness for teaching, and character of every future candidate for the place of a teacher, and to report to the Board of School Commissioners graded lists of those whom they deem qualified for appointment, from which graded lists all nominations of teachers shall be made by the Superintendent of Public Instruction and his Assistants to the Board of School Commissioners. All such nominations of teachers shall be made in the order in which the names of the nominees appear upon such graded lists. In the preparation of these graded lists, the Superintendent of Public Instruction and his Assistants shall ascertain by competitive examinations the relative qualifications of those candidates who desire appointment, and shall place the names of the accepted candidates upon said graded lists in the order of their relative qualifications, so ascertained by such competitive examination. It shall be their duty to advise the Board of School Commissioners whenever called upon, or whenever they think it important, in respect to the course of studies, text-books, or methods of instruction. Whenever the Superintendent of Public Instruction and his Assistants are in doubt what course to pursue, they shall ask instructions from the Board of School Commissioners, to whom they may present a majority and minority report, and the decision of the Board of School Commissioners shall be final. The Superintendent of Public Instruction and his Assistants shall perform such other duties as may be prescribed by order of the Board of School Commissioners not inconsistent with this Article.

**102.** It shall be the duty of the School Visitors, hereinbefore provided for, to visit the schools to which they are assigned, and to report upon their condition at least once in every quarter, and oftener if they think it desirable. In case of an emergency requiring attention, they shall immediately notify the Superintendent of Public Instruction. The said School Visitors may be called together by the Board of School Commissioners or the Superintendent of Public Instruction whenever the interests of the schools require it, or whenever it is thought important for the office of a Visitor to be defined, the organization of the school system to be considered, and the characteristics of a good school to be clearly stated to them. They shall perform such other duties as the Board of School Commissioners may prescribe, not inconsistent with this Article.

*Department of Charities and Corrections.*

**103.** There shall be a Department of Charities and Corrections of the Mayor and City Council of Baltimore, which shall consist of the Supervisors of City Charities and the Visitors to the City Jail. The head of the Department of Charities and Corrections shall be a Board of Charities and Corrections composed of the President and one other of the Supervisors of City Charities, the President and one other of the Visitors to the City Jail, and the Mayor *ex officio*. The Supervisors of City Charities and the Visitors to the City Jail shall each designate their representative member. The President of the Supervisors of City Charities shall be President of the Board of Charities and Corrections. This Board shall be for consultation and advice, but it shall have no power to direct or control the duties or work of any sub-department under this department. It shall perform such other duties as may be required of it by ordinances not inconsistent with this Article.

**104.** The Supervisors of City Charities shall be the first sub-department of Charities and Corrections, and the head of this sub-department shall be a board composed of nine persons, appointed by the Mayor as provided in section 25 of this Article, who shall be removable as therein provided. Their term of office shall be for six years, three of them to retire

at the end of every two years; except that the Supervisors first appointed shall determine by lot their terms of office, so as to provide for the termination of the term of three Supervisors each at the end of the first two and four years. The said Supervisors shall have been citizens of Maryland for at least five years, and residents of the City of Baltimore for at least one year prior to their nomination. The Mayor, in the appointment of said Supervisors, shall designate one of their number as President, and the Supervisors shall elect a Secretary, who shall be paid a salary of one thousand five hundred dollars per annum, payable monthly, and shall discharge such duties as the Supervisors shall prescribe. The said Supervisors shall serve without pay. They shall be appointed by the Mayor from among those whom he deems, by reason of their intelligence, experience and character, to be most capable of caring for the poor, economically, intelligently and humanely. In the selection of said Supervisors and in their action, in matters relating to the duties imposed upon them by law or ordinance, ecclesiastical or party ties shall not be regarded, so that the care of the poor may be entirely out of the field of political or religious differences and controversies. The duty of said Supervisors shall be to determine what sick, insane or other destitute persons are proper charges on the City, and to provide for the proper care of such persons, in so far as money may be appropriated for that purpose by the City. The Supervisors shall have the power to appoint and fix the compensation of such officials and subordinate employees as they may deem necessary for the proper conduct of the business entrusted to them, not to exceed in number of employees or aggregate amount of compensation the limit fixed by ordinance. The Supervisors shall report annually to the City upon all departments of their work, including the work of those institutions with which the City has contracted for the care of any poor persons, and they shall perform all the duties heretofore performed by the Trustees of the Poor unless otherwise provided in this Article.

**105.** All appropriations by the Mayor and City Council of Baltimore for the treatment, care or support of the indigent poor in institutions not owned by the City, or for dispensary treatment shall be by contract, in which the City shall agree to



pay so much per capita for persons placed, treated or prescribed for in such institutions or dispensaries so contracting with the City, and in no case shall a gross sum be paid to any such institution or dispensary. Every such contract shall contain a stipulation that the City shall incur no obligation therefrom for any amount not provided for or in excess of the appropriation made for the fiscal year in carrying out such contract. No public moneys shall be paid to any institution or dispensary for the treatment, care or support of any person until the said Supervisors have determined and certified in writing that such person is a proper subject of municipal aid.

**106.** No appropriation shall be made or money expended for the maintenance, outside of the Almshouse or other City home, of any adult poor person or persons, except the sick, insane or other special classes requiring special treatment, or homeless persons requiring temporary care only; *provided*, the City has adequate accommodations at the Almshouse or other City home. All poor persons who, in the judgment of said Supervisors, require special care or treatment outside of a City institution, may be placed by said Supervisors in any institution or institutions with which the City has contracted for such care or treatment, which they, in the exercise of their judgment, after careful inspection and inquiry, shall deem best fitted to give the necessary care or treatment.

**107.** The Mayor and City Council of Baltimore, through the said Supervisors, shall have care and supervision over such children as shall be committed to or placed in those institutions with which the City may have contracted and as shall have been duly accepted by said Supervisors as proper charges on the City. Said Supervisors shall have power to remove any child from any such institution to which he or she has been committed or placed, and to place said child in any other such institution, when it is apparent to the Supervisors that, from improper treatment or for other good cause, the welfare of the child requires such removal. No such child shall be discharged from the institution to which he or she shall have been committed or placed (unless by direction of a court of competent jurisdiction), or be transferred to any other insti-

tution, or to the care of any individual, without the approval and consent of the said Supervisors. It shall be the duty of the Supervisors, as far as is practicable, to place all destitute or neglected children who are under their care or in their charge, in some institution or home for children, or, without payment of board in some respectable family in the State of Maryland, and to have the children visited, and their circumstances carefully examined at least once in every six months by one of the Supervisors or by a skilled agent or agents appointed by them for the purpose. On the preliminary question of the commitment of any destitute or neglected child, said Supervisors, or their agent, shall be summoned by the committing officer and heard as to whether the parent or guardian of the child to be committed is entitled to the aid of the City, and if on the return of the summons of the said Supervisors, or their agent, further time is required by them, or him, to make inquiry as to the pecuniary ability of said parent or guardian, further time, not exceeding twenty-four hours, shall be given. The wish and request of the parent or guardian as to the place of commitment shall be respected, unless good cause to the contrary be shown by the Supervisors. The Supervisors of City Charities shall have power to place foundlings in any proper institution with which the City has a contract.

**108.** The Supervisors may admit into the Almshouse and receive under their care, in addition to those paupers which the laws of this State authorize and require, such indigent or distressed persons as in their opinion the dictates of humanity or particular circumstances render proper or necessary. In cases of emergency any Supervisor may direct the admission of any destitute, indigent or distressed person to the Almshouse.

**109.** The Supervisors shall prescribe, provide for, and direct all matters relating to the support, treatment and employment of all paupers, vagrants and other persons in the Almshouse, or any other place under their care and charge.

**110.** The Supervisors shall procure, or erect and use all such machinery, materials and implements as they shall think

proper or necessary for any purpose connected with their duties or the exercise of the powers vested in them.

**111.** The Supervisors shall meet at the Almshouse five times in the year, to wit : in the first week of February, April, June, October and December, or oftener, if they shall deem it necessary ; and shall make by a majority of votes of such as may be present, all such good and wholesome rules and by-laws as they may think necessary and convenient for the maintenance and employment of the inmates of said Almshouse.

**112.** Upon complaint made to the Supervisors by the Superintendent of said Almshouse, and due proof thereof, that any pauper in said Almshouse has behaved in a disorderly manner, or has neglected to obey and keep any of the rules and by-laws, the Supervisors may order and direct such moderate and proper correction for any such offence as the nature of the case may require.

**113.** The Supervisors shall meet at the Almshouse on the first Monday of April, yearly, and appoint a Superintendent of said Almshouse, who shall receive a salary of one thousand six hundred dollars per annum, payable monthly. They shall require such Superintendent to enter into bond with sufficient security, payable to the Mayor and City Council of Baltimore, in the penalty of five hundred dollars, for the faithful performance of the duties of his office.

**114.** In addition to such other duties as the Supervisors may prescribe, the Superintendent shall keep a regular list of all poor, beggars, vagrants, vagabonds and offenders who shall be committed to said Almshouse, and also regular accounts, in writing, of all materials and other things which may come to his hands, and of all expenses and charges attending their maintenance and support, and of all moneys received by him for the sale of the produce of their labor, and otherwise, as Superintendent, and shall lay the same before the Supervisors annually and whenever required.

**115.** The Supervisors may appoint a Purveyor of Provisions to said Almshouse, and fix his salary at a sum not to exceed fifteen hundred dollars per annum. It shall be the duty of said Purveyor to provide and furnish provisions to said Almshouse under the direction of said Supervisors, to whom he shall annually return a statement or account of his receipts and expenditures, to be examined and passed at their discretion..

**116.** The Supervisors shall require the said Purveyor to give bond and security to be approved by them, and in such penalty as they shall direct, conditioned for the faithful performance of the trusts reposed in him, and upon failure to comply with the conditions thereof, they may direct said bonds to be put in suit, and any sum of money recovered in such suits shall be applied to the use of said Almshouse.

**117.** None of the foregoing provisions in sections 104 to 116 inclusive, shall apply to offenders, juvenile or adult.

**118.** The Visitors to the Jail shall be the second sub-department of Charities and Corrections, and the head of this sub-department shall be a board consisting of nine persons, appointed by the Mayor in the manner prescribed in section 25. of this Article, who shall hold their offices as therein provided. They shall serve without pay. One of their number shall be designated by the Mayor, who shall be President of said Visitors, and the said Visitors shall elect from their number a Secretary. The Visitors to the Jail shall have charge and control, supervision and regulation, of the Baltimore City Jail and all reformatory, criminal and penal institutions belonging to the City. They shall also have supervision over those persons committed to the criminal, penal and reformatory institutions with which the Mayor and City Council of Baltimore have contracts. The Visitors to the Jail shall have the power to pass rules and regulations for their own government and for the government of the Baltimore City Jail and the aforesaid institutions belonging to the City, not inconsistent with this Article, and shall perform such other duties as may be required of them by ordinances not inconsistent with this Article..

**119.** The said Visitors shall meet on the first Tuesday of every month or at such other times as they may direct ; special meetings may be called at any time by the President, or any two members, on giving three days' notice in writing to the members.

**120.** The said Visitors shall have full power and authority, as often as they may deem it necessary, to visit the jail and the prisoners confined therein ; to make by-laws for the internal police and good government thereof, and for the preservation of the buildings and other property.

**121.** The said Visitors shall regulate and provide the diet of the prisoners, procure necessary bedding and clothing for their use ; make such repairs, alterations and improvements in and about the jail as they may deem necessary, and provide medicine and attendance for such of the prisoners as are sick.

**122.** All persons confined in Baltimore City Jail, under sentence of the Criminal Court of Baltimore, for offences punishable by confinement therein, or committed by any Judge, Court, Justice of the Peace, or other lawful authority having jurisdiction to commit such person to said jail, either as a punishment for the violation of any law or ordinance, or under or by virtue of any law or ordinance, or for failure to pay any fine or costs imposed upon such person by any such Judge, Court, Justice of the Peace or other lawful authority, shall be kept by the Visitors to the Jail at hard labor in some useful employment. The said Visitors to the Jail shall frame such regulations as shall be necessary to the industry, quiet and discipline of such persons, and shall have them kept separate from persons in confinement awaiting trial, or for other causes.

**123.** The said Visitors shall also require all vagrants confined in said jail to work and labor about the premises.

**124.** The said Visitors may, with their consent, employ other persons confined therein in such work and labor in and about the premises as may be consistent with their safe-keeping, and shall keep an account of the earnings of such persons, and shall, upon their discharge, allow them two-thirds of the net proceeds thereof, to be ascertained by the Visitors.

**125.** The said Visitors shall keep regular books of accounts, in which the whole expenses of the jail, whether for supplies, salaries of officers, repairs or incidentals, shall be distinctly stated.

**126.** The said Visitors shall appoint a fit person as Warden of the Baltimore City Jail. They shall allow the said Warden and his assistants and other employees and servants such compensation as in their judgment is proper, not to exceed in the aggregate the amount appropriated by ordinance. The said Visitors shall at their will and pleasure remove the said Warden.

**127.** It shall be the duty of the Warden of the Baltimore City Jail to take charge of the prison and prisoners therein, and exercise, during his continuance in office, the same powers, and be subject to the same forfeitures, and be responsible for escapes in the same manner, and to the same extent, as sheriffs of the respective counties, and he shall perform such other duties as shall be required of him by said Visitors.

**128.** The said Warden, before he enters upon the duties of his office shall give bond to the State with good security to be approved by the Visitors, in the penalty of ten thousand dollars, conditioned for the faithful performance of his duty as Warden, and for the safe keeping of all such persons as shall be committed by legal authority to the Baltimore City Jail, which bond shall be filed with the Comptroller.

**129.** The said Warden shall also take and subscribe an oath that he will duly and faithfully execute the duties and trusts, and exercise the powers committed to and vested in him as Warden of the Baltimore City Jail.

**130.** The Visitors shall prescribe the number and duties of the assistants who may be necessary to be employed by said Warden, but the Warden shall have the appointment and removal of such assistants, subject to the approval of the Visitors, and shall fix their compensation, not to exceed in the aggregate the amount appropriated by ordinance.

**131.** All commitments of prisoners to the Baltimore City Jail shall be directed to the Warden of said jail, whose duty it shall be to receive the prisoners from the officers having them in charge.

**132.** The Warden shall conduct all prisoners in his custody to and from the courts, when the said courts shall direct him to do so.

**133.** The Warden shall account with the Visitors for all sums of money which he may collect from any source connected with the institution.

**134.** The Visitors shall annually, during the month of January, make out and lay before the Mayor and City Council of Baltimore a full statement of all the public money received by them from the Register of the said City or from any other source, and the manner in which it has been expended.

**135.** No spirituous or malt liquors shall be disposed of, sold or given away within said jail, and any employee or servant of said jail disposing of, selling or giving away, or being concerned with others in the disposal, selling or giving of any spirituous or malt liquors as aforesaid to any person coming to said jail on a visit, or to any prisoner confined therein, or to any other person, except by order of the attending physician, shall forfeit and pay the sum of one hundred dollars, to be recovered by indictment, one-half to go to the informer, and the other half to be applied to the use of the City.

**136.** If the Warden or his Assistant, or any employee or servant of said jail, shall introduce any such spirituous or malt liquors, or suffer them to be introduced as aforesaid, knowing it to be contrary to law; or shall permit any person (with the exception of the attorney of a person confined in said prison) to enter said jail without license, as herein provided, each and every one of them so offending shall be suspended from his office and be incapable of holding any office or charge within said prison for the space of one year thereafter.

**137.** No person, except the attorney of a prisoner, shall be permitted to visit a prisoner within said jail or lot, unless by special license from the Warden, or some Judge, or other person legally authorized to give the same.

**138.** All persons hereafter sentenced to be imprisoned in said jail for offences by the Criminal Court of Baltimore shall be kept on prison fare, and not be allowed any other food or drink, unless by the written direction of the physician of the jail.

**139.** All persons who shall hereafter be convicted of any offense punishable by confinement in said Baltimore City Jail, and confined in said jail under a sentence for a longer period than two calendar months, shall each have a deduction from their several terms of sentence of five days for each and every calendar month during which no charge of misconduct shall have been sustained against them, and they shall be discharged at the expiration of their respective terms of sentence, less the time so deducted, and a certificate of the Warden of said jail of such deduction shall be entered on the warrant of commitment ; *provided*, that if, during the term of imprisonment, the prisoner shall commit any act of insubordination or other violation of discipline, the Visitors to the Jail may, at their discretion, reduce or annul entirely such deductions.

**140.** All persons confined in said jail under the provisions of the preceding section shall be kept separate from such persons as are in confinement for offenses other than those referred to in the preceding section, or who may be awaiting trial.

**141.** The Warden of the Baltimore City Jail shall prepare and send to the Judge of the Criminal Court of Baltimore, on each and every Saturday, a full and complete list of the names of all persons who are committed to his custody by the Justices of the Peace of said City, either as vagrants or in default of security to keep the peace ; and the Judge of the said Court shall have full power to review the said commitments ; and upon examination of the various cases so reported to him by the Warden of the Jail as aforesaid, he shall discharge or re-



commit the said parties for a term not to exceed six months, as in his discretion may be most conducive to the preservation of public peace and order. The Justices of the Peace of the City of Baltimore are prohibited from charging costs in the cases above named, unless the parties are recommitted by order of the Judge of said Court.

**142.** When any person arrested in the City of Baltimore shall be held in custody until such person can give security to keep the peace, or shall be committed to jail or the House of Correction in default of such security, such person shall be chargeable with and shall pay all the costs prescribed by the laws of this State for such arrest, commitment, or giving security to keep the peace, and in default of the payment thereof shall be committed to jail until such costs and the costs of his release shall be paid, or until thence discharged by due course of law ; and said costs shall be accounted for and paid over by said respective Justices of the Peace so sitting at the respective station houses in the manner in which all costs paid to such Justices of the Peace so respectively sitting at such station houses in the City of Baltimore, are now or may hereafter be required by law to be accounted for and paid over.

**143.** Whenever any person has been committed to the Baltimore City Jail on the charge of drunkenness or disorderly conduct, and he is deemed by the physician in charge of said jail a proper subject for the Almshouse, the Visitors to the Jail shall have power to transfer said person to said Almshouse.

**144.** Whenever any person has been committed to the Baltimore City Jail on the charge of drunkenness or disorderly conduct who is affected with any form of disease that in the judgment of the physician of said jail would require a longer time than the term of sentence to cure, or in any case where the accommodation, comfort, care and nursing cannot be furnished by the said jail, or in case of any person who may be insane at the time of committal, or become insane during the term for which committed, the said Visitors to the Jail shall have the power to release and send such person to his or her

home, or to some infirmary, hospital or to the Almshouse, where provision has been made by the City of Baltimore for the reception of such cases.

*Department of Review and Assessment.*

**145.** There shall be a Department of Review and Assessment of the Mayor and City Council of Baltimore, composed of the Appeal Tax Court and the Commissioners for Opening Streets. The head of this department shall be the Board of Review and Assessment, to consist of the President of the Appeal Tax Court, the President of the Commissioners for Opening Streets, and the Mayor *ex officio*. The President of the said Court shall be the President of the Board of Review and Assessment. This Board shall be for consultation and advice, but it shall have no power to direct or control either sub-department. It shall perform such duties as may be prescribed by ordinances not inconsistent with this Article.

**146.** The Appeal Tax Court shall be the first sub-department of Review and Assessment, and its head shall be a bench composed of three members, appointed by the Mayor in the manner prescribed in section 25 of this Article, and removable as therein provided. One of their number shall be President, and shall be so designated when appointed by the Mayor. Their term of office shall be for three years, one member to retire every year; except that the members of the Court first appointed shall determine by lot their terms of office, so as to provide for the termination of the term of one member each at the end of the first and second years. Each member of said Court shall receive a salary of two thousand dollars per annum, payable monthly. The said Court shall appoint a Clerk, who shall receive a salary of one thousand six hundred dollars per annum, payable monthly, and shall perform such duties as the Court may prescribe. The said Court may also appoint such other employees as the City by ordinance may direct.

**147.** The said Court shall meet from time to time for the purpose of hearing appeals and making transfers and correcting the accounts of assessable property charged to taxpayers,

and the assessment thereof. The said Court may also appoint such number of assessors as they may deem necessary in investigating and ascertaining all omitted and taxable property, and assessing and returning the same to the said Court, not to exceed such number as by ordinance may be authorized.

**148.** Every assessor provided for in this sub-division of this Article shall annually inform himself, by all lawful means, of all property, real and personal, and stocks or investments in the City, liable to taxation or assessment, and which may have been omitted in the assessment, and all buildings and improvements, and all property created or acquired since the last assessment, and shall value the same at the full cash value thereof, and shall make return thereof to said Court, and for the purposes of this section the said assessors are hereby clothed with the powers of general assessors, and their valuation shall be subject to revision and correction by said Court.

**149.** The assessors shall be allowed such compensation for the performance of their duties as the City may by ordinance direct.

**150.** Before increasing the assessment of any property which has been theretofore assessed, or adding any new property not valued and returned to them by the proper assessor, it shall be the duty of the said Court, as the case may be, to notify the owner of such property by written or printed summons, containing such interrogatories in regard to the property as they may require to be answered on oath, and appointing a certain day for such owner to answer such interrogatories, either orally or in writing, and to make such statement, or present such proof as he may desire in the premises; and such notice shall be served on such owner or left at his place of abode at least five days before the day of hearing appointed in such summons. Such owner may answer the interrogatories contained in such summons, and may appear on such return day and answer the same under oath, orally, before said Court, and may present such testimony as he may desire and said Court may think necessary and proper to be heard. In case such owner, after being summoned, shall fail to answer in writing on

oath, or to appear and answer orally such interrogatories, such Court, after such return day has passed, may proceed to re-value and re-assess said property, or add such new property, according to its best judgment and information in the premises ; but no such re-valuation and re-assessment shall be made by such Court without giving such notice ; *provided*, that nothing in this section shall be construed to apply to the valuation and assessment of new improvements or new property discovered and assessed and returned to the said Court by the proper assessor whose duty it is to assess and return the same.

**151.** The City Register shall on each first day of May, July and September make out and deliver to the said Court a full and accurate list of the holders of all loans of the City, the interest of which is payable on such respective dates.

**152.** The said Court shall in each year carefully examine the said lists and correct the same by striking therefrom all the holders of said stock who may be exempt from taxation on said stock, and shall, on or before the first day of September, annually deliver one copy of the said list, as corrected by them, to the City Register, and one copy thereof to the State Comptroller, setting forth distinctly in said copies the assessed value of the stock mentioned therein.

**153.** The City Register shall retain from the interest paid on the several City loans to the holders thereof, included in the said corrected list returned to him by the said Court, the State tax imposed for the current year on such loans by the Code of Public General Laws. He shall make such deductions from the installments of interest payable respectively on the first days of May, July and September, and he shall, as soon as practicable after the first day of September of each year, pay over such State tax to the State Comptroller.

**154.** If the City Register shall at any time fail to make out and deliver to the said Court the lists of holders of the said stock loans as herein required, it shall be the duty of the said Court to ascertain in such manner as they may deem most accurate the amount of said stock loans of the City of Baltimore

outstanding on the first day of May, July and September in the year in which such failure or refusal shall take place, and on or before the first day of September in said year make and deliver one copy of a statement certified by them, showing the amount of said stock so ascertained by them, and its assessed value, to the City Register, and one copy thereof to the State Comptroller; and the City Register shall thereupon pay the tax aforesaid, which he is in section 153 of this Article directed to deduct from the interest payable on said loans; but the City Register shall not be required to set apart and pay over the said tax on any part of said stock loans which he may satisfy the State Comptroller by a certificate to that effect, signed by the said Court, or by other satisfactory evidence, was held on the first day of May, July and September in the year for which the tax may become due, and by any person entitled under the laws of this State to hold the same free from taxation.

**155.** Each member of the said Court shall receive fifty dollars, annually, for the service required in the three preceding sections; and the City Register, the sum of three hundred dollars for the services therein required of him; the said sums to be paid by the Treasurer on the warrant of the State Comptroller in pursuance of Article 81, section 93, of the Code of Public General Laws.

**156.** Whenever any person shall make application for an allowance or deduction on account of the sale, transfer, alienation, loss or removal of any property, or the collection or payment of any public or private security for money, the said Court shall interrogate him on oath in reference thereto, and the disposal of the same, and especially inquire of him to whom the same has been sold or transferred, and the amount of the purchase money or the money collected, and how the same has been invested.

**157.** The said Court shall also interrogate the said person on oath in reference to any acquisitions or investments made by him, and not already assessed, and the amount of all such acquisitions and investments shall be added to his assessable

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shall ascertain of the party applying to what place within the State the property has been removed, and shall inform the proper authorities of the place to which the property is removed of the fact of such removal.

**161.** The said Court shall direct their clerk to enter and record in a book or books, to be provided for the purpose, an accurate and fair account of all property of every sort within the City of Baltimore, subject to taxation, and the valuation and assessment thereof, and an alphabetical list of the owners thereof, properly arranged, according to the several wards of the City of Baltimore and a correct description and location of the said property so valued and assessed. Any owner of property shall at all times be permitted to inspect the record of his own property contained in said book.

**162.** The clerk of said Court shall transmit to the State Comptroller annually, within thirty days after the annual levy of taxes for the State, a return of the assessments of property in the City of Baltimore, showing the amount thereof ; and for neglecting or refusing to perform this duty the clerk so neglecting or refusing shall be subject to presentment, and upon conviction thereof in the Criminal Court of Baltimore City, to a penalty of one hundred dollars, for the use of the State.

**163.** The State's Attorney of the City of Baltimore shall give information of such neglect or refusal to discharge the duties prescribed in the preceding section to the Grand Jury of the City, upon being advised thereof by the State Comptroller.

**164.** Repealed by Act of 1900, Chapter 4.

**164A.** The Appeal Tax Court of Baltimore City shall have the power at any time to value and assess all personal property and to revise such valuations and assessments and to revise all valuations and assessments of real property in said City and to lower or increase said assessment of real or personal property and to take steps for the discovery and assessment of all unassessed property of every kind. And it shall

be the duty of said Court at least once in every five years to carefully make such general revision of all of the assessable property in said City. Whenever said Court shall purpose to alter or change any assessment or make any new assessment they shall, before such assessment is made, give at least five days notice thereof in writing to the owner of the property to be assessed or reassessed, and if any owner be not found within the limits of said City, then to the person in possession of the property to be assessed or in whose custody the same may be, or if it be land, and no one be in the apparent occupancy thereof, then by a notice posted on said land. The said Court in order to make any valuation, assessment, re-valuation or re-assessment shall have power to summon before it any person and to interrogate him in reference to the existence, situation or value of any property liable to assessment by said Court, and any person so summoned and refusing to appear, and any person refusing to be sworn or to answer touching said value, re-valuation or assessment, or touching his or her property, shall be liable to prosecution therefor, and upon conviction, shall be fined not exceeding one hundred dollars, to be collected as other fines are collected.

**164B.** If any clerk, assessor or employee appointed by the Appeal Tax Court shall neglect to perform the duties required of him by law or by said Court, he shall be liable to be discharged by said Court in its discretion; and if any such clerk, assessor or employee shall receive any consideration or payment designed or intended to influence his conduct or act in the performance or omission of his duties as prescribed by law or by said Court as such clerk, assessor or employee, or shall corruptly do or permit to be done or omit to do any act in discharge of his said duties he shall be liable to immediate dismissal by said Appeal Tax Court, and shall be also liable to indictment therefor, and upon conviction shall be fined not exceeding five hundred dollars for each offense and also to imprisonment in the jail or penitentiary for not more than one year, in the discretion of the Court.

**165.** The clerks of the several courts in the City of Baltimore shall annually, on or before the first day of October,



transmit to the said Court a list of all the alienations of property, chancery sales made by trustees and finally ratified, and of all judgments and decrees recorded in their respective offices or rendered in their respective courts since they last furnished a list of the same, which list shall show the property alienated, and the amount due on the judgments or decrees, so as to enable the said Court to assess the parties to whom the property is conveyed or the money due.

**166.** No person shall be chargeable with the assessment of property which he may have alienated, but the same shall be chargeable to the alienee ; and the said Court shall, from time to time, correct the account of any person who may have parted with the possession of any property, and the same so taken off shall be charged to the person who may have acquired possession of the property, unless the same shall have been removed from the City.

**167.** The said Court is directed to alter and correct the account of any person who may have disposed of or acquired any property since the last assessment, or whose property or any part thereof may have been omitted, if the report of such disposition, acquisition or omission be supplied by satisfactory evidence ; and if real estate or other property shall from any cause have increased or decreased in value since the last assessment the said Court shall correct and alter the assessment of the same, so as to conform to its present value.

**168.** The Register of Wills of Baltimore City shall annually, on or before the first day of October, return to the said Court a summary account of all property that shall appear by the records of the Orphans' Court of Baltimore City to be in the hands of each executor, administrator or guardian as such ; and all such property, if not before assessed, shall then be assessed, and every executor, administrator or guardian shall be liable to pay the taxes levied thereon, and shall be allowed therefor by the Orphans' Court in his accounts, and the said Register of Wills, for the duties imposed by this section, shall be allowed such compensation as the said Appeal Tax Court may deem proper. Should the clerk or Register fail to perform the duties imposed

by this section, he shall be guilty of a misdemeanor, and shall be liable to indictment, and on conviction shall be fined not exceeding one hundred dollars.

**169.** In all cases where discoveries of assessable property are made by the said Appeal Tax Court, either from the returns of clerks, registers or assessors, or in any other way, the said Court shall assess the same, and add the same to the amount on which taxes are to be levied.

**170.** Any person or persons, or corporation assessed for real or personal property in the City of Baltimore and claiming to be aggrieved because of any assessment made by the said Court, or because of its failure to reduce or abate any existing assessment, may by petition appeal to the Baltimore City Court, to review the assessment. The Mayor and City Council of Baltimore may also appeal from any decision of said Court to the Baltimore City Court if it deem the public interests require that the decision of said Court should be reviewed. The petition in such appeal, other than the petition of the City, shall set forth that the assessment is illegal, specifying the grounds of the alleged illegality, or is erroneous by reason of overvaluation, or is unequal in that the assessment has been made by a higher proportion of valuation than other real or personal property on the same tax roll, by the same officers, and that the petitioner is, or will be, injured by such alleged illegality, unequal or erroneous assessment. The petition of the Mayor and City Council of Baltimore shall set forth wherein the decision of said Court is erroneous and such other facts as may be necessary to inform the Baltimore City Court of the claim of the City. A summons shall issue for the respondent or respondents named in the petition of the City returnable on such a day as the Baltimore City Court may appoint for a hearing of the matter averred in such petition. All such appeals shall be taken within thirty days after an assessment has been made as aforesaid, or within thirty days after the refusal to reduce or abate an existing assessment, or within thirty days after the action of said Court complained of by the City. On such appeals the Baltimore City Court shall appoint a day for hearing said appeals, which shall not be less than five or more than thirty days after

the expiration of the thirty days' limit for taking appeals as aforesaid ; and shall direct the clerk of the said Baltimore City Court to issue a *subpoena duces tecum* to the Judges of said Appeal Tax Court, requiring them to produce and deliver to said Baltimore City Court the record of the proceedings of the said Appeal Tax Court, and all maps, plats, documents and other papers connected with the said record ; the said Baltimore City Court shall have full power to hear and fully examine the subject and decide on said appeals, and for that purpose it is hereby authorized and empowered to adjourn from time to time, and may cause all or any of such appeals to be consolidated, or may hear and decide them separately, and may require the said Judges of the Appeal Tax Court, their clerks, surveyors or other agents and servants, or any of them, and all such other persons as the Baltimore City Court may deem necessary to attend, and examine them on oath or affirmation ; and may permit and require all such explanations, amendments and additions to be made to and of the proceedings as the Court shall deem requisite. The person or the City appealing to the said Baltimore City Court shall have a trial before the Court without the intervention of a jury, and the Court sitting without a jury shall ascertain or decide on the proper assessment, and shall not reject or set aside the record of the proceedings of the said Judges of the said Appeal Tax Court for any defect or omission in either form or substance, but shall amend or supply all such defects and omissions, and assess, increase or reduce the amount of the assessment, and alter, modify and correct the records of proceedings in all or any of its parts, as the said Baltimore City Court shall deem just and proper, and shall cause the proceedings and decisions on said appeals to be entered in the book containing the record of proceedings of the said Baltimore City Court, certified by the Clerk under the seal of the Baltimore City Court, and the book to be transmitted to the Judges of the said Appeal Tax Court, which shall be final and conclusive in every respect, unless an appeal be taken to the Court of Appeals. Such record book or copy of the proceedings therein, or any part of such proceedings, whether in or out of Court, certified by the Judges of the said Appeal Tax Court, under seal of said City, shall be evidence in any Court in this State, and the Judge of said Baltimore City

Court shall have full power, in his discretion, to require the cost of any appeal or any part thereof, to be paid by all or any of the appellants, or by the City, as the circumstances of each appeal, in his opinion, shall justify. In no case shall any such appeal stay or suspend the power or duty of the City to levy or collect taxes upon the property involved in said appeal, but such levy and collection shall proceed in all respects as if no appeal had been taken. If a final judgment shall not be given in time to enable the assessors or other officers to make a new or correct statement for the use of the proper authorities in levying taxes, and if it shall appear from such judgment that said assessment was illegal, erroneous or unequal, then there shall be audited, allowed and paid to the petitioner by the Comptroller the amount, with interest thereon from the date of the payment, in excess of what the tax should have been, as determined by said judgment or order of the Baltimore City Court. And if on the appeal by the City the Baltimore City Court should decide that the valuation and assessment was erroneous and less than what it should have been, or that the property should be assessed, the Baltimore City Court shall ascertain and fix the valuation and assessment of said property, then the Comptroller shall audit and charge the respondent or respondents with the difference in said valuation and assessment as fixed by the Baltimore City Court and that fixed by the Appeal Tax Court, which amount of difference shall be a lien on the property involved in the proceedings. An appeal may be taken to the Court of Appeals by either the petitioner or petitioners or the City within ten days after the rendition of said judgment or order by the Baltimore City Court, and the record shall be immediately transmitted to the Court of Appeals, which Court shall immediately hear and determine the questions involved in said appeal.

**171.** In the year eighteen hundred and ninety-eight, and in all succeeding years thereafter, the valuation of the property subject to taxation in the City of Baltimore, as it shall appear upon the assessment books of said Court on the first day of October in each and every year, shall be final and conclusive, and constitute the basis upon which taxes for the next ensuing fiscal year shall be assessed and levied ; *provided,*

that the foregoing provision shall not apply to property in the City liable to taxation, and which may have escaped, or which may have been omitted, in the regular course of valuation, but such property shall be valued and assessed, and the owner or owners thereof charged with all back and current taxes justly due thereon, whenever the same may be discovered and placed upon the assessment books, *and provided* that the provisions of this section shall not apply to the taxes levied for the year eighteen hundred and ninety-eight, after the passage of this Article. The said Court shall, on the first day of October, or as soon thereafter as practicable, in the year eighteen hundred and ninety-eight, and in all succeeding years thereafter, make out and deliver to the City Collector and Board of Estimates each, a statement showing the valuation and assessment of all the property subject to taxation in said City, as it shall appear upon the assessment books of said Court on said first day of October ; such statement shall contain an alphabetical list of all owners to whom any property in said statement has been valued and assessed, properly arranged according to the several wards of the City, with the location and description of the property of each of said owners. The said statement shall be known as the taxable basis for the next ensuing fiscal year, and after the levy of taxes, it shall be designated as the tax roll for said year. The said Court shall perform such other duties as may be prescribed by law or ordinances not inconsistent with this Article.

**172.** The Commissioners for Opening Streets shall be the second sub-department of Review and Assessment, and the head of this sub-department shall be a Board composed of three persons, appointed by the Mayor in the manner prescribed in section 25 of this Article, and removable as therein provided. One of their number shall be President, and shall be so designated when appointed by the Mayor. Their term of office shall be for three years, one Commissioner to retire every year; except that the Commissioners first appointed shall determine by lot their terms of office, so as to provide for the termination of the term of one Commissioner each at the end of the first and second years. The said Commissioners shall receive a salary of one thousand eight hundred

dollars each per annum, payable monthly. The said Commissioners shall be charged with the duty of opening, extending, widening, straightening or closing any street, lane, alley or part thereof situated in Baltimore City whenever the same shall have been directed by ordinance to be done, and shall perform such other duties as the Mayor and City Council of Baltimore may by ordinance prescribe. The said Commissioners shall appoint a Clerk, who shall be paid a salary of one thousand five hundred dollars per annum, payable monthly, and shall perform such duties as the Commissioners may prescribe. The said Commissioners may also appoint such other employees as the Mayor and City Council of Baltimore by ordinance may direct, and fix their compensation, not to exceed in the aggregate the amount appropriated by ordinance.

**173.** The Clerk of said Commissioners shall keep a record of their proceedings in a book provided for the purpose, and in such form as the City Solicitor may prescribe; and the said Clerk shall record in said book all orders made by the Commissioners in regard to the performance of their duties, and make true copies of all notices by them directed to be published, and of the certificate of the publication thereof, and shall perform such other clerical duties as the said Commissioners shall require.

**174.** When the said Commissioners shall assess a sum of money to be paid by any person or persons, for benefits derived by such person or persons from opening, extending, widening, straightening or closing any street, lane or alley, or part thereof, and shall assess a sum of money to be paid to the same person or persons for damages sustained by said opening, extending, widening, straightening or closing, it shall and may be lawful, upon a certificate of title from the City Solicitor, for the City Register or City Collector to receive from such person or persons an assignment for the sum or sums so assessed as damages aforesaid.

**175.** Whenever the Mayor and City Council of Baltimore shall hereafter by ordinance direct the Commissioners for Opening Streets to lay out, open, extend, widen, straighten or close up, in whole or in part, any street, square, lane or alley,

within the bounds of this City, the said Commissioners, having given the notice required by law of their first meeting to execute the same, shall meet at the time and place mentioned in said notice, and from time to time thereafter, as may be necessary, to exercise the powers and perform the duties required of them by said ordinance, and shall ascertain whether any and what amount of value in damage will thereby be caused to the owner of any right or interest in any ground or improvements within or adjacent to the City of Baltimore, for which, taking into consideration all advantages and disadvantages, such owner ought to be compensated ; and the said Commissioners having ascertained the whole amount of damages for which compensation ought to be awarded, as aforesaid, and having added thereto an estimate of the probable amount of expenses which will be incurred by them in the performance of the duties required of them, as aforesaid ; and also of the expenses incurred by the City Register by reason of said proceedings, shall proceed to assess all the ground and improvements within and adjacent to the City, the owners of which, as such, the said Commissioners shall decide and deem to be directly benefited by accomplishing the object authorized in the ordinance aforesaid ; and should the direct benefits, assessed as aforesaid, not be equal to the damages and expenses incurred, the balance of said expenses and damages shall be paid by the City Register, and provided for in the general levy.

**176.** In every case where it shall be necessary, in order to effect the object proposed under any of the ordinances providing for the laying out, opening, widening or straightening in whole or in part any street, square, lane or alley, that a portion only of a lot and improvements shall be taken and used or destroyed, and the owner or owners thereof shall claim to be compensated for the whole, the said Commissioners in such cases may, if they deem it best and not otherwise, accept a surrender in writing of the whole of said lot and improvements, or the whole of said improvements, from said owner or owners, in which event the said Commissioners shall ascertain the full value thereof, as if the whole lot or lots and improvement or improvements, as the case may be, were necessary to be taken and used for such proposed object, and the

whole amount of such valuation when finally decided on shall be paid or tendered to the said owner or owners before any part thereof shall be destroyed, removed or used, unless such owner or owners shall assent thereto in writing, as now provided for by law; and the said Commissioners, after giving ten days' notice in two of the daily newspapers of the City of the time and place, manner and terms of sale, shall sell by public auction to the highest bidder the materials of any house or houses which it shall be necessary to remove, in whole or in part, and also the residue of any lot of which a part shall be taken and used to effect the object confided to the Commissioners, and which residue shall have been, with the consent of the Commissioners aforesaid, surrendered by the owners as aforesaid; the purchase money to be paid when full possession shall be given of the property or material so sold, and the said Commissioners or a majority of them on receiving the purchase money aforesaid, and not before, shall by a good and sufficient deed convey the lot or lots of ground by them so sold to the purchaser; but no such sales shall be made until after the Commissioners have assessed the entire amount of damages and expenses as are now to be assessed by existing ordinances relating to the condemnation of streets, nor until all damages for taking said property shall have been paid or tendered to the proper party or parties or invested or paid into Court as by law required, nor until the said Commissioners are able to give possession to the said purchaser or purchasers of property and materials aforesaid, and the said Commissioners are duly empowered to take and receive a good and sufficient bond from the purchaser or purchasers aforesaid, with a penalty to the Mayor and City Council of Baltimore, conditioned that the purchase money be duly paid at such time as the said Commissioners shall demand the same, and conditioned further that said purchaser or purchasers shall remove within sixty days after notice from the said Commissioners from the bed of the street all such materials so sold, and all rubbish or other obstructions in said street occasioned thereby; and in the event of the purchaser or purchasers not complying with the terms of said sale, the Commissioners shall re-sell the said lot or lots, and improvement or improvements, as the



case may be, at the risk of the former purchaser, giving not less than five days' notice of said re-sale in two of the daily newspapers of the City aforesaid ; *provided*, however, that where, in the judgment of said Commissioners, a part only of the whole of the improvements of any lot can be taken without destroying the whole of said lot or said improvements, for the purpose for which lot or improvements are used, or for building purposes, the said Commissioners shall only condemn such part of said whole lot or improvements as is necessary for the proposed object, and shall award to the owner or owners of the part of the lot or improvements so taken such damages and assess upon the remainder thereof such benefits as in their judgment shall be right and proper ; and *provided, further*, that in all cases where there are sheds or other obstructions lying and being in beds of streets, lanes, roads or alleys, in process of opening or widening, where the same will not, in the judgment of the Commissioners for Opening Streets, sell by public auction for the amount of the expenses of said sale, then the said Commissioners for Opening Streets may, and they are hereby authorized, to sell the same at private sale.

**177.** As soon as the Commissioners aforesaid shall have completed the valuation of damages to be ascertained by them as directed by this Article, they shall cause a statement thereof to be made out for the inspection of all persons desiring information of its contents, and such statement, together with an explanatory map or maps, shall contain a description of each separate lot or parcel of ground deemed to have sustained damages, its dimensions, the name of the street, lane or alley on which it bounds, the names of all persons supposed to have any estate or interest in it, and the amount of damages as valued by the Commissioners ; and if there be any house or other improvements on it, necessary to be removed, in whole or in part, such description thereof as the Commissioners shall deem necessary ; and in like manner a description of each parcel of ground deemed by the Commissioners to be benefited, the name or names of such person or persons as may be supposed to have any estate or interest therein, and the amount assessed thereon for benefits ; and the said Commissioners shall cause a notice to be published for four successive days in two daily

newspapers of the City, stating the extent of the ground covered by the assessment, and that such statement and maps are ready for the inspection of all persons interested therein ; and that the Commissioners will meet at their office on a day to be named in said notice, which shall be within ten days after the first publication of such notice, for the purpose of reviewing any of the matters contained in such statement to which any person claiming to be interested shall make objection ; and the Commissioners shall meet at the time and place so appointed, and shall hear and consider all such representations or testimony on oath or affirmation, verbal or in writing, in relation to any matter in said statement which shall be offered to them on behalf of any person claiming to be interested therein ; and the said Commissioners shall make all such corrections and alterations in the valuations, assessments and estimates, and all other matters contained in the said statements and explanatory map or maps aforesaid, as in their judgment shall appear to them, or a majority of them, to be just and proper ; and they may adjourn, from day to day, if necessary, to give all parties claiming a review an opportunity to be heard, not exceeding in the whole ten days ; and after closing such review the Commissioners shall make all such corrections in their statement and explanatory map or maps as they shall deem proper, and cause such statement as corrected to be recorded in their book of proceedings, and certified under the hands and seals of the said Commissioners and their Clerk, and shall deposit the same, together with the explanatory map or maps, as finally corrected by them, and similarly certified to in the office of the City Register ; and it shall be the duty of the City Register within five days after said proceedings shall have been deposited in his office, to notify all persons interested by an advertisement, to be inserted once a week for four successive weeks, in two of the daily newspapers of the City, that the said assessment and maps have been so placed in his office, and that the parties affected thereby are entitled to appeal therefrom by petition in writing to the Baltimore City Court.

**178.** It shall be the duty of the Clerk of the Commissioners for Opening Streets to serve written or printed notice upon each and every party or parties assessed for damages, caused by

the condemnation and opening of any public highway ; *provided*, however that the service of such notice shall not be so construed as to be one of the prerequisites to the condemnation and opening of any street under any ordinance heretofore passed, or hereafter to be passed.

**179.** The Mayor and City Council of Baltimore or any person or persons, or corporations, who may be dissatisfied with the assessment of damages or benefits, as hereinbefore provided, may, within thirty days after the return of the corrected statement and map or maps to the Register, and the first publication of the notice thereof by the Register, appeal therefrom by petition, in writing, to the Baltimore City Court, praying the said Court to review the same, and on any such appeal the Court may and shall appoint a day for hearing said appeal, which shall not be less than five or more than thirty days after the expiration of the thirty days limited for taking appeals as aforesaid, and shall direct the clerk of the said Court to issue a *subpoena duces tecum* to the City Register, requiring him to produce and deliver to said Court the record of the proceedings of the said Commissioners in the case, and all maps, plats, documents and papers connected with such record, and the said City Court shall have full power to hear and fully examine the subject, and decide on the said appeal, and for that purpose is hereby authorized and empowered to adjourn from time to time, and may cause all such appeals to be consolidated, or may hear and decide them separately, and may require the said Commissioners, their Clerk, Surveyor, or other agents and servants, or any of them, and all such other persons as the Court shall deem necessary, to attend, and examine them on oath or affirmation, and may permit and require all such explanations, amendments and additions to be made to and of the said record of the proceedings as the said Court shall deem requisite ; and the persons appealing to the Baltimore City Court, as aforesaid, shall be secured in the right of a jury trial, and the said Court shall direct the Sheriff of Baltimore City to summon twelve or more persons qualified to be jurors, and shall empanel any twelve disinterested persons so summoned, or attending the Court, to try any question of facts, and if necessary to view any property in the City, or adjacent thereto, to ascertain and decide on the

amount of damages or benefits, under the direction of the Court ; and the said Court shall not reject or set aside the record of the proceedings of the said Commissioners for any defect or omission in either form or substance, but shall amend or supply all such defects and omissions, and increase or reduce the amount of damages and benefits assessed, and alter, modify and correct the said return of proceedings, in all or any of its parts, as the said Court shall deem just and proper, and shall cause the proceedings and decisions on said returns and appeals to be entered in the book containing the record of the proceedings of the Commissioners, certified by the Clerk, under the seal of the Court, and the book to be transmitted to the City Register, which shall be final and conclusive in every respect, unless an appeal be taken to the Court of Appeals, and such record book, or a copy of the proceedings therein, or any part of such proceedings, whether in court or out of court, certified by the City Register under the corporate seal of the City, shall be evidence in any court in this State, and the Judge of the Baltimore City Court shall have full power, in his discretion, to add the reasonable costs of any appeal, to be taxed by him, or any part thereof, to the damages to be collected for opening or closing said street, or to require such cost, or any part thereof, to be paid by all or by either of the appellants, as the circumstances of each appeal, in his opinion, shall justify. Upon every appeal to the Baltimore City Court from any action of the Commissioners for Opening Streets both the damages and benefits assessed by the Commissioners to the appellant shall be open for review and correction by the said City Court.

**180.** Whenever any ordinance passed by the Mayor and City Council of Baltimore, providing for the condemnation and opening, extending, widening or closing of any street, lane or alley in said City, shall be set aside, or declared null and void by a court of competent jurisdiction, to wit : the Baltimore City Court or the Court of Appeals, in the event of an appeal to that tribunal, or the same shall be repealed by the City, it shall be the duty of the Comptroller immediately thereafter to draw his warrant on the City Register in favor of any and all persons, or their legal representatives, who may have paid into the City Treasury any sum or sums of money on account thereof; which

shall be forthwith paid out of any sums in the Treasury not otherwise appropriated. The Comptroller shall likewise draw his warrant on the City Register for the payment of all expenses which may have been incurred by virtue of any such ordinance, in carrying out the provisions thereof, for which the City may be liable under existing ordinances.

**181.** If no appeal shall have been prayed, then within ten days after the time hereinbefore limited therefor, or after the return of the decision upon any appeal shall have been made to the City Register, the said City Register shall transfer the said Commissioners' return to the City Collector, who shall proceed forthwith to notify the parties assessed for benefits by means of bills specifying the several sums so assessed, and warning them that if the same be not paid within three months from the date of such transfer of said Commissioners' returns, he will proceed to sell the specific pieces or parts of property on which such unpaid sum or sums of money shall have been assessed, in the manner, and after having given the notice directed by this Article.

**182.** If the sums assessed upon the property specified shall not be paid within the time above limited, the City Collector is hereby directed to sell the property, or any part thereof, on which such assessment has been laid, giving thirty days' notice of said sale, in two of the daily newspapers published in the City of Baltimore, the first insertion of said notice to be made in said newspapers within sixty days after the expiration of the time limited in this Article for the payment of said benefits ; and the moneys so collected by the City Collector shall be paid over by him to the City as other moneys are directed to be paid over, to be by it paid to the persons entitled to receive the same.

**183.** In all cases in which the City Collector shall sell any property on account of the non-payment of assessments made for the opening, closing, widening or extension of any street, lane or alley, it shall be his duty to sell said property to the extent, and subject to the same conditions which are provided by ordinance for the sale of real estate in the City of Baltimore,

charged with the payment of other taxes imposed by this corporation ; and in the event of the purchaser or purchasers failing forthwith to comply with the terms of said sale, the City Collector shall re-sell the same at the risk of the former purchaser, giving not less than ten days' notice in two of the daily newspapers of the City aforesaid; and after collecting the benefit assessments he shall forthwith return the said Commissioners' proceedings to the Comptroller.

**184.** The City Collector, on receiving the full amount of the purchase money on such sale, shall execute a deed of conveyance in favor of the purchaser or purchasers, or their assign or assigns, which deed shall convey a fee simple or leasehold estate, as the case may be, in and to such property, and after deducting the costs of sales, advertising and other necessary expenses, he shall pay the balance of such purchase money to the City, which shall pay over the said balance, after deducting the amount assessed on said property, to the person or persons entitled thereto, on demand, without interest.

**185.** All sums of money assessed by the Commissioners aforesaid, upon property deemed by them to be benefited, shall be and continue liens on each several piece of property so assessed, to the amount of its particular assessment, until the same shall be paid to the City; but no part of any street, square, lane or alley shall be opened on or over the ground of any person or persons, or corporation, adjudged by the Commissioners to be entitled to damages for said opening, without the consent, in writing, of the person or corporation so entitled, until such damages shall be paid, or the amount thereof invested in the City stock, for the use of each person or corporation entitled to any part of the compensation for such damages, to the amount of his, her or their respective right and interest therein, of which investment the City Register's certificate, under the corporate seal of the City, shall be competent proof.

**186.** Any person or persons not claiming title to any lot or piece of property upon which any sums shall be assessed, as aforesaid, may pay the amount of the sum so assessed, within the time limited, to the City Register, and obtain his certificate

of having paid such sum without claiming title to the property ; and such payment shall vest in the person or persons paying his, her or their heirs, the lien on such lot or property mentioned in this Article.

**187.** If it should so happen that any one or more of said Commissioners should be interested in any particular case, the Mayor shall make a temporary appointment of a Commissioner or Commissioners, to act in the place and stead of such interested Commissioner or Commissioners, who shall take the oath or affirmation, as the case may be, and in all respects conduct himself and have all the powers as the other Commissioners who are appointed by the Mayor.

**188.** Whenever any lot, or part of a lot, or parcel of ground may be taken and included within the lines of any street, lane or alley, or part thereof, and damages assessed therefor, and there shall be an outstanding unexpired term of years therein, the said Commissioners shall discriminate in their proceedings between the value of fee simple or ground rent interest, and the leasehold interest.

**189.** Whenever any obstruction shall have remained in any street, lane or alley, or part thereof so opened, for the space of sixty days after the proceedings of the said Commissioners shall have been returned to the City Register, it shall be the duty of said Commissioners to cause the same to be removed, and to draw on the Register for the expense so incurred, which shall be paid by him, and the Mayor shall forthwith cause a suit for the recovery of said expenses to be instituted against the person or persons by whose default the said obstruction has been suffered to remain, and the same, when recovered, shall be paid to the Register for the use of the City.

**190.** In each case of laying out, opening, extending, widening, straightening or closing up, in whole or in part, any street, square, lane or alley, under the provisions of this Article, the said Commissioners shall, for each and every day in which they and their Clerk shall be actually engaged in the performance of their duties, assess, as part of the expenses of their proceed-

ings, a *per diem* as to each of said Commissioners and their Clerk, of four dollars, to be collected as other expenses are, and to be paid to the Register for the use of the City.

**191.** When the proceedings of the Commissioners for Opening Streets in any case are transferred by the City Register to the City Collector, the City Register is authorized and required to pay all the expenses incurred by the Commissioners under the said proceedings. But such expenses shall not remain unpaid more than six months after the completion of any services performed under said ordinance; and the Comptroller and Register are directed to pay, within six months after the services have been completed, any such expenses, upon presentation of the proper vouchers or certificates from the Commissioners for Opening Streets.

**192.** The Commissioners for Opening Streets, so soon as they shall have completed their work on each street, shall deposit all papers and books relating thereto in the office of the City Register. The said Commissioners shall perform such other duties as may be required of them by ordinances not inconsistent with this Article.

**193.** Whenever the owner or owners of the bed of any of the streets, lanes or alleys of the City, as laid out on Poppleton's plat, or on such plat as the City may adopt, for the territory annexed under the Act of 1888, Chapter 98, shall offer to convey the same to the City, it shall be the duty of the Mayor to obtain the opinion of the City Solicitor in relation to the title to the property and the legality of the deed or deeds, and, if in the opinion of the Mayor, it will be right and proper, and the public good will result therefrom, he is hereby authorized to receive, in the name of the Mayor and City Council of Baltimore, any deed or deeds so offered to the City; *provided*, that no deed shall be for less than one whole square, and that the City shall not incur any expense in receiving the same; and that a plat setting forth the location, together with the surrounding property, to the extent of two hundred feet, shall accompany said deed.



**194.** Whenever any street, lane or alley, or part thereof, shall be conveyed to the City, as provided in the preceding section, the same shall be a public highway, subject to all ordinances and resolutions relating to streets, lanes and alleys in the City of Baltimore.

**195.** The Mayor and City Council of Baltimore will not entertain any petition for or remonstrance against the opening, widening, straightening or closing of any street, lane or alley in the City of Baltimore, unless the signers of such petition or remonstrance shall state the location of the property they represent, together with the number of front feet of the same.

*Division Embracing Municipal Officers not Included in any Department.*

**196. City Librarian.**—There shall be an official of the Mayor and City Council of Baltimore, to be known as the City Librarian. He shall be appointed by the Mayor in the manner prescribed in section 25 of this Article and hold his office as therein provided. The said Librarian shall, under the supervision and direction of the City Register, take under his charge and keeping all the books and documents of every description, and the archives, records, papers and proceedings of the Mayor and City Council of Baltimore, except as is otherwise herein provided, now in the possession of other municipal officers, entrusted with them by the City, or which may hereafter come into the possession of the City, and also all the ordinances, resolutions, and proceedings of the City Council after each and every session thereof; and he shall arrange and classify, so as to be easily found when needed, all the books, documents, records, papers, ordinances and resolutions, and proceedings hereby placed and hereafter to come under his charge and keeping; and he shall furthermore carefully collect and arrange and safely keep a complete series of ordinances and resolutions and proceedings of the Mayor and City Council of Baltimore, and all other books, papers and memorials relating to Baltimore, from its beginning as a town to the present time, and this shall continue to be one of his regular duties, and he shall not permit any book or books, or documents of said series to be taken or

removed by any one from the City Library, and he shall permit no other book, document, record or paper of any sort to be taken from the City Library, except by City officers, and then only on a written receipt from such City officer or officers for the same, which receipt shall be written in a book to be kept for that purpose, and shall be duly cancelled on the return of the book, documents, records or papers so borrowed ; and he shall see that no books, documents, records or papers of any sort be lost or mislaid by said City officers; he shall also carefully prepare and keep an index for that purpose of all the books, documents, records and papers of said library. Room shall be provided in the City Hall, and properly furnished for the reception and custody of said library: The salary of the City Librarian shall be one thousand five hundred dollars per annum, payable monthly ; and he shall give a good and sufficient bond, to be approved as authorized by this Article, in the sum of five thousand dollars, for the faithful performance of his duties in the premises.

**197.** Each of the departments, sub-departments, municipal officers not embraced in a department, and special commissions or boards of the Mayor and City Council of Baltimore shall, on or before the first day of December in every year, furnish to the City Librarian a schedule of all stationery and printed matter, which may be required for the use of such departments, sub-departments, municipal officers and commissions or boards for the year commencing on the first day of January thereafter. It shall be the duty of the City Librarian twenty days prior to the first day of January in each year, to advertise for proposals for furnishing all such stationery and printed matter as may be required by the respective departments, sub-departments, municipal officers and commissions or boards of the City, except stationery for the public schools, for the ensuing fiscal year. No proposals shall be received from any but those actually engaged in the printing and stationery business in Baltimore; such proposals, when received, shall be opened, and the contracts awarded in the manner now or which may hereafter be prescribed by ordinance; the right to reject any bid that shall not be deemed for the best interest of the City is hereby reserved. All contracts which may be awarded in pur-

suance of the provisions of this section shall contain a clause stipulating that any stationery or printed matter which may be required for the use of any department, municipal officers and commissions or boards aforesaid of the City, over and above the quantity specially designated in said contracts, shall be furnished by the contractors at the same rate charged for articles which are specifically mentioned in said contracts, and if any supplies are required which are not mentioned in said contract they shall be furnished at the lowest market rates. It shall be the further duty of the City Librarian to furnish to each of the departments of the City, sub-departments, municipal officers not embraced in a department and special commissions or boards, from time to time, upon the requisition of the heads of said departments, sub-departments, municipal officers and commissions or boards, the stationery and printed matter, except stationery for the public schools, which may be necessary for the use of said departments, sub-departments, municipal officers not embraced in a department and special commissions or boards, and to keep an accurate account of all supplies which may be so furnished ; and he shall annually report to the City Council of Baltimore the quantity of stationery and printed matter which he shall have furnished to the respective departments, sub-departments, municipal officers and commissions or boards during the preceding fiscal year, and the expense of the same.

**198.** The City Librarian is hereby authorized and directed to appoint two Assistants, to be known as First Assistant Librarian and Second Assistant Librarian, who shall perform such duties as the Librarian shall from time to time prescribe and direct, and for whose acts the Librarian shall be held responsible. The First Assistant shall give such bond as provided by ordinance and approved by the Mayor. In the event of the necessary absence of the Librarian, from sickness or other cause, the First Assistant, with the approbation of the Mayor, shall have full power and authority to perform all the duties of the Librarian. The salary of the First Assistant Librarian shall be nine hundred dollars per annum, payable monthly, and the salary of the Second Assistant shall be seven hundred and fifty dollars per annum, payable monthly.

**199.** There shall be opened, under the direction of the City Librarian, a set of books in which shall be entered all requisitions made upon the City Librarian from the different departments, sub-departments, municipal officers and commissions or boards of the Mayor and City Council of Baltimore, from time to time, and each department, sub-department, municipal officer and commission or board shall be charged with all books, stationery and printed matter it may receive from said Librarian; there shall be kept a record of all bids received for books, stationery and printed matter and of the acceptance or rejection thereof. The City Librarian shall permit no bid once filed in his office to be withdrawn therefrom. There shall be copied and filed away all contracts made or entered into between bidders and the City Librarian ; and there shall be annually prepared a general statement of all the transactions of the City Librarian's office, and presented to the City Council.

**200.** The City Library shall be kept open daily from 9 A. M. to 4 P. M., and during the sessions of the City Council and at such other times as may be necessary or may be prescribed by ordinance, with the Librarian or his Assistants in attendance.

**201. *Art Commission.***—There shall be an Art Commission, to consist of the Mayor of the City of Baltimore and seven others, to be named by the following institutions, and appointed by the Mayor in the manner prescribed by section 25 of this Article, and hold their offices as therein provided: One shall be named by the Maryland Historical Society, one by the Johns Hopkins University, one by the Peabody Institute, one by the Maryland Institute for the Promotion of the Mechanic Arts, one by the Architectural Club of Baltimore, one by the Board of Park Commissioners, and one by the Charcoal Club; the members of the Commission shall serve without pay. If any of said institutions shall fail to name a Commissioner for thirty days after having been requested in writing by the Mayor so to do, the Mayor shall name such Commissioner.

**202.** No statue, ornamental fountain, arch or gateway, monument or memorial of any kind shall be erected, nor any change made in those already erected in any public street, avenue, square, place, park or municipal building in the City of Baltimore unless the design and site or proposed change for the same shall have been submitted to the Commission and approved by a majority thereof, and its report shall have been made to the City Council; said report shall be made within thirty days from the time when the design and site or proposed change as above specified shall have been submitted to the Commission for its approval.

**203.** The Commission shall, at the request of the Mayor, or the City Council, give its advice as to the suitability of the design for any public building, bridge or other structure, and shall report thereon in writing to the City Council. All vacancies in said Commission shall be filled by the Mayor from those named by the institutions as herein provided; and in case any of said institutions fail for thirty days, after receiving the request of the Mayor, to name a person to fill the said vacancy, the Mayor shall fill it with a person of his own selection.

**204. *Superintendent of Lamps and Lighting.***—There shall be a Superintendent of Lamps and Lighting, who shall be appointed by the Mayor in the manner prescribed in section 25 of this Article, and hold his office as therein provided. He shall have under his charge and supervision the lighting of the City of Baltimore, and shall perform the duties now performed by the General Superintendent of Lamps and Inspector and Sealer of Gas Meters, and such other duties as may be prescribed by ordinances, not inconsistent with this Article. He shall have power to appoint an assistant, who shall perform all the duties now performed by the Inspector of Illuminating Gas and Oils. The Superintendent of Lamps and Lighting shall have the power to appoint such number of district superintendents of lamplighters as the requirements of the City may demand and as are necessary to properly care for the lamps and lighting of the City, and fix their compensation, not to exceed in the aggregate the amount appropriated by ordinance. He shall have power to appoint such clerks and employees as may be

necessary to properly conduct his office, and as the annual appropriations of the City for his use in the discharge of his duties may warrant. The compensation of the Superintendent of Lamps and Lighting shall be two thousand dollars per annum, payable monthly, and his assistants and the clerks and employees under him shall be paid such fixed salaries as may be prescribed by ordinance, and not in fees; all fines and inspection fees shall be paid to the Comptroller.

**205. Surveyor.**—There shall be a Surveyor, to be elected on the Tuesday next after the first Monday of November in the year eighteen hundred and ninety-nine, and on the same day in every second year thereafter, and whose term of office shall commence on the first Monday in January next ensuing after his election; his duties and compensation shall be prescribed by the ordinances of the Mayor and City Council of Baltimore. Any vacancy in the office of Surveyor shall be filled by the Mayor and City Council of Baltimore for the residue of the term.

**206. Constables.**—There shall be two Constables for every ward of the City of Baltimore, who shall be appointed by the Mayor and City Council of Baltimore, and hold their offices for two years. Their duties and compensation shall be the same as are now, or may hereafter be prescribed by law or ordinances.

**207. Superintendent of Public Buildings.**—There shall be a Superintendent of Public Buildings, who shall be appointed by the Mayor in the manner prescribed in section 25 of this Article, and hold his office as therein provided. The said Superintendent of Public Buildings shall provide for the watching, cleaning and heating, and shall have charge of, the City Hall and the buildings and offices in which the different Courts of the City may be held and in which their records may be kept. He shall receive a salary of one thousand five hundred dollars per annum, payable monthly, and perform such other duties as may be provided by ordinances, not inconsistent with this Article. He shall employ such assistants and employees, and at such compensation as may be fixed by ordinance.

**208. *Public Printer.***—There shall be a Public Printer, who shall be elected on the second Monday of June, in the year eighteen hundred and ninety-nine, and on the same day and month in every second year thereafter, by a convention of both Branches of the City Council. The Public Printer shall be a reputable person, firm or corporation, who shall be *bona fide* engaged in the printing business in the City of Baltimore, to execute the printing required by both Branches of the City Council, who shall perform the duties required of him, them or it by ordinances not inconsistent with this Article, and who shall, before he, they or it enter upon the discharge of his, their or its duties as such, execute a bond to the Mayor and City Council of Baltimore, in the penal sum of five thousand dollars, with the condition that he, they or it will faithfully discharge the several duties incumbent upon him, them or it, which bond shall be deposited in such place as the Mayor may select for depositing papers of this kind, and be delivered by him to his successor in office.

#### LEGISLATIVE DEPARTMENT.

**209.** The Legislative Department of the Mayor and City Council of Baltimore shall be vested in the City Council, which shall consist of two Branches, one of which shall be the First Branch and the other the Second Branch.

**210.** The First Branch shall consist of one member from each ward of the City, who shall be a citizen of the United States, above the age of twenty-one years, a resident of the City three years preceding his election, and for the same time a resident of the ward for which he is elected, and assessed with property to the amount of three hundred dollars, who has paid taxes on the same one year prior to his election, and shall hold his office for two years. Each member of the First Branch shall be paid a salary of one thousand dollars per annum, payable monthly.

**211.** The Second Branch shall consist of nine members, one of whom shall be the President thereof, and shall possess the qualification and be elected as hereinafter provided. The other eight members shall be elected from the City of Balti-

more at large, until the Mayor and City Council of Baltimore shall divide the City of Baltimore into four Councilmanic Districts, to be known as the first, second, third and fourth Councilmanic Districts, which shall each contain as near as possible one-fourth of the population of the City of Baltimore, and shall each be composed of six contiguous wards, according to their numerical order, beginning with the first ward. After said division, then two members of the Second Branch shall be elected from each of said Districts. The members of the Second Branch, excepting the President thereof, shall be citizens of the United States above the age of twenty-five years, residents of the City of Baltimore four years prior to their election, each of whom has been assessed with property in the said City in the sum of five hundred dollars, and who has paid taxes on the same for two years prior to his election, and said members of the Second Branch shall hold their offices for four years, except as provided in section 213 of this Article, and each of them shall be paid a salary of one thousand dollars per annum, payable monthly, *provided*, that the members of the Second Branch of the City Council in office upon the date of the passage of this Article shall receive such compensation as they would have been entitled to receive if they had served out the full term for which they were elected.

**212.** The election for members of the First Branch shall be held on the Tuesday next after the first Monday in May, in the year eighteen hundred and ninety-nine, and upon every second year thereafter. Said election shall be held by wards, and no person shall be entitled to vote for any member of the First Branch except for the member for the ward of which the voter is a resident. The members of said Branch now in office shall hold office until their successors have been elected under the provisions of this Article, and have duly qualified.

**213.** The election for the said eight members of the Second Branch shall be held on the Tuesday next after the first Monday in May, in the year eighteen hundred and ninety-nine. Their terms of office shall be for four years, except that the members of the Second Branch first elected shall determine by lot their terms of office, so as to provide for the retirement of one-half of



the said members of the Second Branch at the end of the first two years. On the Tuesday next after the first Monday in May, in the year nineteen hundred and one, and in every second year thereafter, an election shall be held for four members of said Branch to fill the places of the members then retiring.

**214.** There shall be elected on the Tuesday next after the first Monday in May, in the year eighteen hundred and ninety-nine, and upon every fourth year thereafter, from the City at large, a person to be the President of the Second Branch of the City Council, who shall possess the qualifications required and hereinbefore defined, of the Mayor of the City of Baltimore. His duty shall be to preside over the Second Branch of the City Council, and vote on all questions, and perform such other duties as may be prescribed by ordinances not inconsistent with this Article. He shall be paid a salary of three thousand dollars per annum, payable monthly. A joint convention of the two Branches of the City Council, by a majority vote of all the members elected to the City Council, may remove from office the President of the Second Branch for incompetency, wilful neglect of duty or misdemeanor in office, upon charges preferred by the Mayor, and after notice of such charges is given to the President of the Second Branch, and an opportunity afforded him to be heard.

**215.** The qualifications of electors of members of the City Council shall be the same as those of electors of the Mayor. All vacancies in the First Branch shall be filled without delay by the First Branch from the ward in which the said vacancy occurs, by an election of a person possessing the qualifications hereinbefore prescribed, to fill the unexpired term of the former incumbent. If a vacancy occurs in the Second Branch, then said Branch shall forthwith fill said vacancy by the election of a person possessing the qualifications hereinbefore prescribed from the City at large or from the proper Councilmanic District, if there be such District at that time.

**216.** The City Council shall meet on the Thursday next after the third Monday in May, in the year eighteen hundred and ninety-nine, and upon the same day in each year thereafter, and

may continue in session for one hundred and twenty days, and no longer, in each year; *provided*, that they may, by ordinance or resolution, so arrange their sittings that the same may be held continuously or otherwise; and provided further, that the Mayor may convene the City Council in extra session, as he may now do by the fourth section of the eleventh Article of the State Constitution.

**217.** Each Branch of the City Council may compel the attendance of absent members, in such manner and under such penalties as it may by ordinance provide. The First Branch shall appoint its own President, who shall preside at all its sessions, and shall vote on all questions, and in case of the absence, sickness or other disqualification of the Mayor and the President of the Second Branch, shall perform all the duties of the office of Mayor during the period in which the sickness, absence or disqualification of said officer shall continue. Each Branch of the City Council shall judge of the election and qualifications of its own members, subject to appeal by petition of the party aggrieved to the Baltimore City Court. With the concurrence of three-fourths of the whole members of either Branch, it may expel any member for disorderly behavior or misconduct in office, but not a second time for the same offense. Each Branch shall adopt its own rules of procedure, not inconsistent with this Article, appoint its own officers, regulate their respective compensation not to exceed in the aggregate the amount appropriated by the ordinance of estimates, and remove them at pleasure. Each Branch shall keep a journal of its proceedings, and enter the yeas and nays on any question, resolution or ordinance, at the request of any member, and the deliberations of both Branches shall be public.

**218.** The Mayor and City Council of Baltimore shall have power to pass all ordinances necessary to give effect and operation to all powers vested in the corporation of the City of Baltimore.

**219.** Ordinances and resolutions of the Mayor and City Council of Baltimore may be read in evidence from the printed volumes thereof published by authority of said corporation.

**220.** The style of all ordinances shall be: "Be it ordained by the Mayor and City Council of Baltimore."

**221.** Every legislative act of the Mayor and City Council of Baltimore shall be by ordinance or resolution. No ordinance or resolution shall be passed except by the vote of a majority of all the members elected to each Branch, and on its final passage the vote shall be taken by yeas and nays, the names of members voting for and against the same being entered on the journal. Every ordinance enacted by the City shall embrace but one subject, which shall be described in its title, and no ordinance shall be revived, amended or re-enacted by mere reference to its title, but the same shall be set forth at length, as in the original ordinance. And no ordinance shall become effective until it be read on three different days of the session in each Branch, unless all the members elected to the Branch where such ordinance is pending shall so determine by yeas and nays, to be recorded on the Journal, and no ordinance shall be read a third time until it shall have been actually engrossed for a third reading.

**222.** In case it becomes necessary for the President of the Second Branch to fill the unexpired term of the Mayor, as herein provided, the Second Branch shall thereupon elect a new President for the unexpired term, but they shall not elect as such President one of their own number.

#### MISCELLANEOUS LOCAL LAWS.

##### ARBITRATION—COURT OF.

**223.** The Board of Trade shall have power and authority to create and organize within itself a Court of Arbitration for the adjudication and settlement, according to the principles of law, equity and commercial usage, or of either, applicable thereto, of any and all controversies concerning or growing out of contracts of sale, manufacturing or letting on rent; of the making or negotiating or transfer of bills of exchange, promissory notes, bills of lading, railroad, warehouse or similar receipts, and other such commercial paper; of guaranties, of agency, of bailment, of partnership, of insurance, of affreightment, or of any

- other transactions, of whatever specific class, pertaining to trade, commerce, navigation, manufactures or mechanical arts, or business connected with any of these, or contracts for personal work, labor and service done or rendered, or to be done or rendered, in and about the pursuit and transactions of
- trade, commerce, navigation, manufactures or mechanical arts, one or more of the parties to which controversies is or are members of the said corporation, in all cases wherein such controversy is by the consent of all the parties thereto, signified by a submission in writing, referred for adjudication and settlement to said court.

**224.** In order to the due and effective execution of the power in the next preceding section granted, the said corporation shall have the further power, either directly in corporate meeting, whether the regular annual meeting or a special meeting called for the purpose by reasonable notice to all the members, of the time, place and object thereof, by advertisement in one or more of the daily newspapers of the City of Baltimore, or else by delegation, in such meeting, by rule or otherwise, made through the officers and directors, constituting the Board of Directors or management of said corporation, in either case by the concurring votes of a majority of the members of said corporation or Board of Directors, as the case shall be, present at such meeting of the one or the other for the purpose—provided there be then and there a quorum present, as constituted by the Constitution, Articles of Association or By-laws of the said corporation or Board of Directors—from time to time to elect from among those persons who have been, or before any such election shall have been, admitted to practice law in this State, one learned in the law and possessing such other qualifications as the said corporation shall, by rule or regulation, as hereinafter empowered, prescribe, whether such person be a member of said corporation or not, unless otherwise provided by such rule or regulation, as Judge of the said Court of Arbitration, and also to elect in like manner, or to provide for the election or appointment of a Clerk of the said court; and shall have power also, by rules and regulations duly adopted by the said corporation in such corporate meeting as aforesaid, or by the delegation of said corporation in such meeting made by its

said Board of Directors, to define the duties, powers and functions of the said Judge and of the said Clerk, and of any other members or officers of the said Court of Arbitration provided for as hereinafter is authorized, and to determine the jurisdiction of the said Judge, original and appellate, whether sitting alone or with laymen, members of the said corporation associated with him, and to fix the term of time for which the said Judge and the said Clerk, respectively, shall be elected, and the terms and conditions upon which each shall hold or continue to hold his office, and the amount and mode of the compensation of each, not to be diminished, however, during the currency of a term of office; to provide for the appointment of temporary substitutes for the said Judge and the said Clerk, or either, when from any cause this shall be necessary for the prompt administration of the justice of the court, and also for the appointment of lay arbitrators as members of the said corporation, for the hearing and determination of a particular case, either in the first instance with right to the parties, or either of them, to appeal to the said Judge, or as assessors associated with the said Judge when parties so choose, and to define, in such cases, the powers, duties and authority of such lay arbitrators or assessors; and also prescribe the forms and modes of application, procedure, pleading, practice, trial and process in the said court, in all the necessary details thereof, and the effect of the awards and judgments or decisions of the said court, as to the finality or conclusiveness or otherwise thereof, and the methods and means of securing compliance therewith by the parties; and also to regulate the costs and fees to be paid by the parties to any such controversy so submitted, and the amount and time and manner of payment thereof, and the disposition of such costs and fees; provided, however, that no such rule or regulation shall be valid if it shall be contrary to the general law of the State, or to natural right or sound reason, or be intended to provide for enforcing payment or other performance of the award, judgment or decision of the said court or Board of Arbitration by any final process of execution otherwise than is directed in the succeeding section.

**225.** When, in any such case so submitted as is hereinbefore provided, an award, judgment or decision shall have been rendered by the said court or Board of Arbitration, that is, accord-

ing to the rules and regulations hereinbefore authorized, final and conclusive upon the parties, and shall have been recorded by the Clerk of the said Court in a book to be provided and kept for the purpose within a time limited therefor in the said rules and regulations, the successful party shall have the right to have the said original award, judgment or decision in writing, signed by those members of the said Court or Board concurring therein, and duly certified by the Clerk to be the original award, judgment or decision, under his hand and seal of the corporation; and if the said award, judgment or decision, shall be for the recovery by the one party and payment to him by the other, of a certain sum of money, the said successful party shall, upon his filing the said award, judgment or decision so certified, with the Clerk of the Superior Court of Baltimore City, or at his option with the Clerk of the Court of Common Pleas of said City, have the right to have the same entered by its proper style, in the name of such successful party as plaintiff against the losing party as defendant, in its order of time, upon the court calendar or docket of causes to be called at the next succeeding term or rule day of said court, whichever shall first occur, and upon the call thereof in its course, to have judgment at once ordered and entered up, as upon a verdict for the recovery of the same amount, according to the practice of said court, and to have process of execution for its enforcement and satisfaction in all respects as if the said amount had been recovered by a judgment of the said court in a regular suit between the same parties in the same relative position on the record, there instituted and prosecuted in the ordinary modes of proceeding therein; but if the said award, judgment or decision shall be for the recovery by the one party, and the surrender or delivery by the other to him of the possession of specific property, the said successful party, upon filing such award, judgment or decision, so certified as aforesaid, with the Clerk of the Circuit Court of Baltimore City, or such other court therein as shall at the time have jurisdiction there of causes in equity, shall have the right, on or at any time after the first day of the next succeeding term, or on or at any time after the next succeeding rule day of the said court, which ever shall first occur, to have, upon motion therefor, an order made by the said court, affirming the said award, judgment or decision, and making the same a decree of the said

court, and to have the same enforced, if the recovery be of the possession of land, freehold or leasehold, by a writ in the nature of a writ of *habere facias possessionem*, such as the said court is authorized to issue for the purpose of putting a purchaser under its decree in possession of the land purchased by him, and to be executed in the same manner and by the same officer against such losing party to such award, judgment or decision, and any and all and every other person in possession of said land, claiming the same by virtue of a title derived from, through or under such losing party, and acquired subsequently to the date of such award, judgment or decision, which said writ the said court is authorized and empowered to issue for this purpose upon application in writing of such successful party to the said award, judgment or decision, in person or by attorney, verified by the affidavit of himself or his attorney, unless good cause to the contrary shall be shown by such party in possession within not less than fifteen nor more than thirty days after notice in writing of such application served upon such party in possession in person; and if the recovery be of the possession of personal chattels, by such process of execution and compulsion as in the chancery practice of this State is usual and proper for the enforcement of a decree for the specific delivery of personal chattels.

#### ARBITRATION COMMITTEE OF THE CORN AND FLOUR EXCHANGE.

**226.** The Board of Directors of the Corn and Flour Exchange shall annually elect by ballot five members of the association, who are not members of the Board, as a committee, to be known as the Arbitration Committee of the Baltimore Corn and Flour Exchange. The Board of Directors may, at any time, fill any vacancy in said committee for the remainder of the term in which such vacancy may happen. The duty of the Arbitration Committee shall be to hear and decide any controversies which may arise in business between the members of said organization or said members and other persons as may be voluntarily submitted to the said committee for arbitration; and such members and persons may by an instrument

in writing, signed by them and attested by a subscribing witness, agree to submit to the decision of said committee any such controversy so arising as might be the subject of an action at law or in equity, except claims of title to real estate.

**227.** The mode of proceeding of said Arbitration Committee shall be regulated by the by-laws of the corporation, which shall be substantially complied with in all cases, without prejudice, however, to any award from merely formal irregularity. The said committee shall have power to apply to any Justice of the Peace for the City of Baltimore to issue *subpœnas* and other compulsory process to procure the attendance of witnesses before it; and all justices so applied to in writing, signed by the chairman or acting chairman of said committee, shall issue such process forthwith, the cost of the same, and of the attendance of the witnesses so summoned, to be the same as in civil suits before such justices, and to be collectible from the parties on whose behalf the said witnesses shall be summoned and attend, in the same manner and by the same means as if adjudged to be paid by a judgment of the justice who shall act in the premises in a civil suit between the same parties depending before him. A majority of said committee may act in all cases, and a majority of such majority shall have power to render an award in the name of and as an act of the committee. No dissenting award or opinions shall be rendered or placed among the proceedings, or upon the records of the committee or the corporation; the award of the committee rendered in conformity herewith, and as prescribed by the by-laws, shall be conclusive on all parties to the submission. It shall in all cases be in writing, signed by the members of the committee who agreed upon it, and filed among the proceedings of the committee, but copies shall be given by the secretary, with his attestation and the seal of the corporation attached, to the respective parties, as soon as may be after said award shall have been rendered.

**228.** If the parties to any submission shall agree to do so they may stipulate as part of said submission, in writing, that the award of the committee rendered in conformity herewith and with the by-laws, shall stand and avail as against them to



the same effect as a judgment or decree of a court of competent jurisdiction, in which case either party desiring and entitled to the enforcement of said award may file a copy of the same and of the submission, attested under seal by the secretary of the corporation, for record with the clerk of any court of this State having jurisdiction of the subject-matter, and the person against whom said enforcement is sought; and thereupon it shall be the duty of said court, on motion or application, *ex parte*, at any time after ten days from the filing of the award, to enter judgment or decree thereupon, as upon a final award made by referees under rule of court; upon which judgment or decree, execution shall issue without stay. No matter affecting the title of real estate, however, shall be submitted to or arbitrated by the said committee under this or the preceding section, but the committee may direct in its award the payment of the costs and expenses of the arbitration, and the amount thereof shall be embraced as a principal sum in the judgment or decree to be rendered; if awarded, to be paid by the party against whom such judgment or decree is sought. No judgment or decree rendered on any such award shall be liable to be stayed, except upon allegation, under oath of the defendant, of manifest fraud in the procurement or rendition of the award, or of a material and substantial failure of the committee specifically alleged and set forth, to comply with the by-laws or sections 226 or 227, in the hearing and determination of the matters submitted; nor shall any such judgment or decree be quashed, modified or stricken out, except upon satisfactory proof of the matters so required to be so alleged; neither shall there be any appeal in any case from the original judgment, order or decree, whereby, after a hearing of the allegations and proofs as aforesaid, the said original judgment or decree shall be maintained.

#### ASSAULT AND BATTERY.

**229.** Any person who shall, without any provocation, assault and beat any person in any of the streets, lanes, alleys or highways of the City of Baltimore, or at any place of public resort or amusement, between the hours of six o'clock in the evening and six o'clock the following morning, or who shall

counsel, aid or abet in such assault and battery, shall be fined in a sum not less than twenty-five dollars and be imprisoned not less than one month; or the Judge of the Criminal Court of Baltimore City, or the judge having jurisdiction of the offense, may, in his discretion, sentence the person convicted of such offense to confinement in the penitentiary for a period not less than six months nor more than two years.

**230.** It shall not be necessary to state with more particularity than is now necessary in proceedings for assaults and batteries, the time or place of such assault and battery in the recognizance or commitment on which the said person is tried, but the said person may be tried on a recognizance or commitment for a common assault and battery, and shall be sentenced by the court according to the facts proved at the trial.

**231.** In case the said person is tried upon a presentment or indictment, it shall only be necessary to allege in the presentment or indictment that the offense was committed between the hours aforesaid, and that it was committed on a highway in the City of Baltimore, or at a place of public resort or amusement, without setting forth said highway or place of public resort or amusement by name.

#### AUCTIONS.

**232.** Repealed by Act of 1900, Chapter 208.

**233.** Repealed by Act of 1900, Chapter 208.

**234.** Repealed by Act of 1900, Chapter 208.

**235.** The duties shall be calculated on the sums for which the property or goods so exposed to sale shall be respectively struck off, and shall in all cases be paid by the person making the sale.

**236.** No duties shall be chargeable upon any goods, wares, merchandise or other property sold by any auctioneer at private sale on the days of his public auction, or unless the same be part of what was offered for sale at said public auction or was advertised to be sold thereat.

**237.** The duty imposed on all sales of lands, tenements and hereditaments, or of any interest therein, at public auction in the City of Baltimore, shall be a lien on the said property when sold as aforesaid.

**238.** Every purchaser of lands, tenements or hereditaments, or of any interest therein, purchased at public auction in the City of Baltimore, shall be bound to pay the auction duty on such sale and be entitled to claim the said payment as a credit on his purchase as aforesaid.

**239.** All goods and property, of what kind soever, shall in all cases be struck off to the highest bidder; and where the auctioneer or owner, or any person employed by them or either of them, shall be such bidder, the goods or property shall be subject to the same duties as if struck off to any other person; but this section shall not be construed to render valid any sale that would otherwise be deemed fraudulent and void.

**240.** The Governor, by and with the advice and consent of the Senate, shall biennially appoint as many auctioneers in the City of Baltimore as he may think proper, not to exceed thirty.

**241.** Each person so appointed, the amount of whose sales of goods, wares, merchandise and personal property of every kind, exclusive of his real estate sales and sales of houses, shall not exceed the sum of one hundred and fifty thousand dollars, shall, before entering upon the duties of his office, enter into a recognizance to the State, with two sufficient securities, in the sum of five thousand dollars, conditioned for the payment of the duties hereinbefore mentioned to the Treasurer of Maryland, and that he shall in all things well, truly and faithfully behave and conform himself according to the true intent and meaning of this law; and shall also pay to the Treasurer of Maryland the sum of four hundred and fifty dollars, as a license.

**242.** Any auctioneer paying the license fee, and executing the bond prescribed in the preceding section, may make sales of every description of goods, wares and merchandise of every

kind, and real estate, and may exercise all the rights and privileges of a general auctioneer to the extent and amount of the sum prescribed in said section; and he shall make, under oath, quarterly returns to the Comptroller of the City of Baltimore, showing the full amount of his sales of every kind, distinguishing his sales of goods, wares and merchandise, and personal effects of every kind, from his sales of real estate and houses; but any auctioneer taking out a special license, as provided in section 233, in regard to auctions in Baltimore City, to sell at public auction, stocks of any banks or other incorporated institutions, or State or City loans, shall not be required to make any returns of sales of such securities; and if any auctioneer under said license shall sell any amount exceeding the sum named in the last preceding section, he shall be subject to all the penalties hereinafter imposed upon auctioneers who shall sell without license.

**243.** Each auctioneer so appointed whose sales of goods, wares and merchandise, and personal effects of every kind, exclusive of his real estate sales and sales of houses, shall exceed the sum of one hundred and fifty thousand dollars, shall, before he enters upon the duties of his office, enter into a recognizance to the State, with two sufficient securities in the sum of ten thousand dollars, conditioned as hereinbefore prescribed, and shall pay to the State Treasurer the sum of seven hundred and fifty dollars as a license fee.

**244.** If any person so appointed shall desire to pursue the business of an auctioneer for the sole purpose of selling books, maps or prints, by day or by night, he shall be entitled to do so by first entering into a recognizance to the State, with two sufficient securities in the penalty of five thousand dollars, conditioned as hereinbefore prescribed, and by paying to the State Treasurer the sum of one hundred and fifty dollars.

**245.** If any person so appointed shall desire to pursue the business of an auctioneer for the sole purpose of vending horses and carriages, he shall be entitled to do so by first entering into a recognizance to the State, with two sufficient securities in the sum of one thousand dollars, and paying to the State Treasurer the sum of fifty dollars as a license fee.

**246.** A license may, on the request and with the consent of the party, be issued by the State Treasurer, *nunc pro tunc*, so as to avail him for a year from the day on which his license expired, or in such manner as to avail him for any part of the interval the applicant may desire; but no license issued under this section shall acquit the party obtaining it of any penalty hereby imposed for selling without license, if prosecution therefor shall have been commenced before such license was obtained.

**247.** In case of the death of any auctioneer before the time limited in his license has expired, his co-partner or co-partners, if he has any, or his personal representative, may continue to act under the license for the unexpired term.

**248.** All recognizances directed to be taken by this subdivision of this Article shall be taken by the Clerk of the Court of Common Pleas, and duplicates shall be made of the record of every such recognizance by said clerk, one whereof shall be delivered, or be caused to be delivered by such auctioneer to the State Treasurer, within ten days after the date of such record, and the other shall be retained by said clerk, who shall be entitled to demand for the same from the auctioneer the sum of one dollar.

**249.** The State Treasurer, on his being satisfied that the recognizance herein required has been entered into by any of the persons appointed auctioneers by the Governor, and upon his receiving the license fee required from such person, shall issue a general or special license to such person as the person may be entitled to, for the term of one year from the date of such license.

**250.** If any person not appointed and authorized in the manner herein directed, nor by nor under some official authority under the laws of the United States, shall sell or attempt to sell any goods, wares, merchandise or effects of any kind, real estate or vessels, in the City of Baltimore, by public auction, he shall be considered guilty of a misdemeanor, and shall be subject to presentment and indictment in the Criminal Court of

Baltimore, and shall, on conviction, be fined in a sum not exceeding five hundred dollars nor less than one hundred dollars, or be imprisoned for a term not exceeding three months, or both, at the discretion of the court.

**251.** If any auctioneer shall sell any goods, wares, merchandise or effects or vessels, by way of public auction, without having entered into the recognizance and paid the license fee hereinbefore required, he shall be deemed guilty of a misdemeanor, and shall be subject to presentment and indictment in the Criminal Court of Baltimore, and on conviction thereof shall be fined in a sum not exceeding one hundred dollars nor less than fifty dollars for each and every article so exposed for sale.

**252.** If any auctioneer shall sell any goods or property other than such as he is authorized to sell by the terms of his license, he shall be deemed guilty of a misdemeanor, and shall be subject to presentment and indictment in the Criminal Court of Baltimore, and on conviction thereof shall be fined in a sum not exceeding one hundred dollars, nor less than fifty dollars for each and every article so sold.

**253.** If any person commissioned as auctioneer shall neglect to take out a license within twenty days after his commission shall have been forwarded to him by the Governor, such commission shall be deemed null and void, and the Governor shall appoint some other person to supply the vacancy in the number of auctioneers caused by such neglect.

**254.** The recognizance herein required shall be annually renewed.

**255.** If any surety of any auctioneer shall remove from this State or become insolvent the State Treasurer shall demand other surety in his place; and if the auctioneer shall neglect or refuse to give other security within three days after such demand is made his license shall thenceforth be null and void to all intents and purposes as if the same had never been granted, and the State Treasurer shall immediately give public notice thereof in two or more public newspapers published in said City.

**256.** If any auctioneer appointed under this sub-division of this Article shall accept at any time during the continuance of his appointment an appointment as auctioneer from any other State he shall be deemed to have forfeited his appointment under this sub-division of this Article.

**257.** Every auctioneer in said City shall designate in writing his partner or partners, if any are engaged with him in his said business, and the houses or stores occupied by him for the transaction of auction business, and shall deposit such writing with the State Treasurer; and if any auctioneer in said City shall enter upon the duties of his office before so doing he shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum not exceeding five hundred dollars; and it shall be the duty of the court before whom such conviction is had to transmit forthwith a particular report thereof to the Governor, who may, in his discretion, inhibit, during his pleasure, the person convicted from acting as auctioneer.

**258.** The Mayor of the City may designate the place or places for the sale of horses and carriages and make such regulations in respect to the time and manner of selling horses and carriages at auction, and the riding and driving of such horses and carriages, as he shall deem best calculated to promote public convenience and protect the persons of individuals from danger.

**259.** Every auctioneer appointed and licensed for the sale of horses shall keep a registry of all horses sold by him, specifying a description of the horse sold, the sum for which he sold, and the name and residence of the seller and buyer, and shall deposit such registry, with an oath of the truth thereof, at the end of each year with the Clerk of the Court of Common Pleas.

**260.** No auctioneer specially licensed for selling books, maps or prints shall be entitled to demand or receive, without a previous agreement to the contrary, from any person, directly or indirectly, a commission exceeding seven dollars and

fifty cents for every hundred dollars of the purchase money arising from such sales, exclusive of all duties.

**261.** No auctioneer licensed to sell to the amount of one hundred and fifty thousand dollars, without a previous agreement to the contrary, shall be entitled to demand or receive for his services, directly or indirectly, a commission exceeding four dollars clear of all duties, for every hundred dollars of the purchase money arising from such sales.

**262.** No auctioneer, licensed generally for the sale of goods, wares and merchandise, exceeding one hundred and fifty thousand dollars, without a previous agreement to the contrary, shall be entitled to demand or receive for his services, directly or indirectly, a commission exceeding two dollars, clear of all duties, for every hundred dollars of the purchase money arising from such sales, except upon sales of furniture and wearing apparel, upon which they shall be entitled to receive four dollars, clear of duties, for every hundred dollars arising from such sales; and except also upon sales of books, stationery, maps and prints, upon which they shall be entitled to receive seven dollars and fifty cents, clear of duties, for every hundred dollars arising from such sales; and upon these articles the auctioneer mentioned in the preceding section may charge a similar amount.

**263.** Any auctioneer who shall receive or accept any greater or higher reward for his services than is authorized by this sub-division of this Article, shall forfeit the sum of five hundred dollars for every offence, to be recovered in the name of the State by suit, or by indictment in the Criminal Court, one-half to the use of the State and the other half to the use of the party prosecuting for the same.

**264.** No auctioneer shall authorize or permit any person whatever to sell any property of any description whatever, under and by virtue of his license, unless the person so authorized or permitted is actually and *bona fide* in the employment of such auctioneer, and is actually and *bona fide* a resident of Baltimore City at the time of such employment, and the com-



missions on such sales are actually and *bona fide* for the benefit of such auctioneer; and no license shall be construed to authorize the holder to sell at more than one regular establishment, but an auctioneer may sell public stocks, houses, lots and furniture, or ships or vessels, on the premises where the same may be, or at the exchange, or goods in the original form and packages as imported, and bulky articles, such as have been usually sold in warehouses or in the public streets or on the wharves, at such other places within the City as shall be desired by the owner or importer of such bulky articles or imported goods.

**265.** If any auctioneer shall violate any of the provisions of the last preceding section he shall be deemed guilty of a misdemeanor for every such violation, and shall be subject to presentment and indictment in the Criminal Court of Baltimore, and on conviction thereof shall be fined in a sum not exceeding two hundred dollars, nor less than one hundred dollars.

**266.** Every auctioneer, within thirty days after the first days of January, April, July and October of the year for which he shall have been appointed, and in each and every year that he shall hold and continue in the office and duty of such auctioneer, shall render to the Comptroller of the City of Baltimore a true and particular account in writing of the money or sums of money for which any goods, wares or merchandise, or other property of every kind, shall have been sold at every sale since entering on the duties of his office, or since the last account was rendered, of the amount of each day's sales and the days when sold, distinguishing the sales made by him personally or in his presence, and those made by his partner or partners or clerk, in consequence of his absence; setting forth, also, the amount of all goods, wares, merchandise and other property sent or entrusted to him, his partner or partners for sale, and by him or them sold at auction, and the days on which the same were sold, and particularizing the amount of the several duties chargeable on said sales, duplicate copies of which said accounts, properly sworn to as required in section 267, shall be transmitted to the Comptroller of the State, by every such auctioneer, within the said thirty days after the said

first days of January, April, July and October of the year or years as aforesaid; and every auctioneer shall, within thirty days after rendering such account, pay over to the said Comptroller of Baltimore City, for the use of the State, subject to provisions hereinafter contained, all such sum or sums of money as appear to be due from him to the State for duties, according to law.

**267.** The auctioneer making such returns, at the time of making the same shall take before some Justice of the Peace, or Judge of a court of record, the following oath: "I, ———, do solemnly and sincerely swear that the account now exhibited by me, and to which I have subscribed my name, contains a just and true account of all the goods, wares and merchandise, and property of every kind, sold or struck off by me at public sale, or sold at private sale, on the days of my public auctions, or sold or struck off as aforesaid by my co-partner or co-partners (if any there be), or by others in my name, or under my direction, and in my actual and *bona fide* employment (as the case may be), and the days upon which the same were respectively sold; that I have examined the entries of all sales mentioned in said account in the books kept by me for that purpose, and I fully believe this account to be correct; and, further, that I have, during the time mentioned, conformed in all things to the provisions of the law relating to auctions in Baltimore City, according to the best of my knowledge and belief, so help me God." And he shall cause a certificate of the fact that he has taken such oath, duly signed by said Justice or said Judge, and a certificate of the Clerk of the Superior Court of Baltimore City, of the official character of said Justice when signed by him, to be annexed to said return; and no account or return of sales, as provided to be made and rendered in the preceding section shall be deemed or held to be "a true and particular account," within the meaning of said preceding section, unless the oath herein provided is made and annexed to such account or return of sales; and the auctioneer refusing or neglecting to make and to annex such oath shall be liable to be proceeded against as if he had not made and rendered any account or return of sales as required by law.

**268.** If any auctioneer shall refuse or neglect to transmit to the State Treasurer a duplicate of the record of his recognition as before required, or shall neglect or refuse to render an account of sales to the Comptroller of the City of Baltimore quarter-yearly, or shall refuse or neglect to transmit a duplicate copy of such account to the Comptroller of the State within the time or times limited for rendering such account or transmitting such duplicates as provided in section 266, or shall refuse or neglect to pay over to the Comptroller of the City the money or moneys due from him to the State for duties, according to law, within thirty days after rendering such account, he shall, in and for each and every such case of refusal or neglect, be deemed guilty of a misdemeanor, and shall be subject to presentment and indictment in the Criminal Court of Baltimore, and on conviction thereof shall be fined in a sum not exceeding seven hundred dollars nor less than one hundred dollars, and on conviction shall further be deemed to have forfeited his appointment as auctioneer, and shall be disqualified from acting as auctioneer under the same; provided, it shall be competent for such auctioneer at the trial of such suit to give in evidence every matter or thing going to show a satisfactory excuse on his part for such neglect or refusal; and if the jury before which such suit shall be tried shall think such excuse satisfactory, they shall return a verdict for the defendant; the defendant, however, in such case to pay the costs of the prosecution; and provided further, that no suit or indictment, or conviction, under this section, for the penalties herein contained, shall be held to bar or prevent the State from bringing such civil action or actions in any of the courts of this State against any auctioneer, or on his bond, for the recovery of money that may be due the State, or for the non-performance or misperformance of any duty imposed upon him by this sub-division of this Article, and for which a civil action would lie against him or on his bond.

**269.** Every auctioneer who, within the period limited for his accounting, shall have made no sales of goods or property of any kind liable to auction duties, shall make and subscribe an affidavit of those facts before the Judge of the Court of Common Pleas, and shall transmit a copy of the said affidavit,

certified by said Judge, to the State Treasurer, within the same time that an account is required to be rendered, under the penalty prescribed in the last preceding section.

**270.** It shall not be lawful for the Governor to nominate to the Senate as auctioneer any person who shall not have settled in full at the Treasury office for all amounts due from him on account of auction duties.

**271.** If any auctioneer shall be guilty of any fraud or deceit in the discharge of the duties of his office, or shall elude or defeat any provisions of this sub-division of this Article, for a violation of which no penalties are therein specially prescribed, he shall be guilty of a misdemeanor and subject to presentment and indictment in the Criminal Court of Baltimore, and on conviction thereof shall be fined in a sum not exceeding one thousand dollars, nor less than one hundred dollars for any such offence; and if any auctioneer shall pay or cause to be paid directly or indirectly, to any trustee, attorney, executor or administrator, selling real estate or property of any kind under any order of any court, or under any power of attorney, any portion of the fee or commission received or receivable by him, and charged by him in his account for making any sale of such real estate or property for such trustee, attorney, executor or administrator, he shall be deemed guilty of a misdemeanor, and on conviction thereof in the Criminal Court of Baltimore shall be fined in a sum not exceeding two hundred dollars, nor less than fifty dollars, for every such offence; and such trustee, attorney, executor or administrator receiving or retaining such portion of such fee or commissions, and not accounting for it to the proper parties, shall be liable in a suit on his bond for double the amount so received or retained by him, to the *cestui que trust*, the principal, or to any person interested in the estate which he represents.

**272.** If no person shall, within seven days after any such offense shall be committed, prosecute for the penalties imposed by this sub-division of this Article, the State Treasurer, upon information thereof having come to his knowledge, shall direct the State's Attorney for the City of Baltimore to prose-

cute the same; and the penalties when recovered shall be paid into the treasury for the use of the State.

**273.** If any person shall wilfully swear falsely touching any matter hereinbefore required in this sub-division of this Article to be verified by oath, he shall suffer the pains and penalties which by law are prescribed for wilful and corrupt perjury; and if an auctioneer, shall also forfeit his office.

**274.** The proceeds of such auction duties to the amount of twenty thousand dollars shall be paid over by the Comptroller of the City, as the same shall be received by him, to the Mayor and City Council of Baltimore, to be by said Mayor and City Council of Baltimore annually appropriated to the purpose of deepening and improving a channel in the Chesapeake bay and Patapsco river and the harbor of the City of Baltimore.

**275.** It shall be the duty of the Mayor and City Council of Baltimore, on or before the fifteenth day of September in each year, to report to the Comptroller of the State a fair and strict account of their disbursement of the fund arising from said auction duties, as to the amount the same are appropriated in the preceding section, in relation to the deepening and improving said channel, Patapsco river and Baltimore City harbor; and the said Comptroller shall report the same to the General Assembly.

**276.** If the net proceeds of said auction duties shall exceed the sum of twenty thousand dollars, the excess of said duties above that sum shall, for each and every year that they shall exceed that sum, be paid over by the Comptroller of the City of Baltimore to the Treasurer of the State; and in case of such excess as aforesaid, the Comptroller of the City shall also render to the Comptroller of the State a brief statement or account, showing the amounts received by him on account of auction duties, the amount paid the Mayor and City Council of Baltimore, under section 274, and the balance due the State and payable to the State Treasurer—which said balance, if any, and whenever the same shall arise from said auction duties, shall be paid to said Treasurer on or before the twenty-fifth day of September in each and every year.

**277.** The provisions of the three preceding sections shall not have any effect if the City of Baltimore, by ordinance or otherwise, shall make any charge on articles passing over or deposited on the wharves of said City for a less time than one day, for the purpose of delivery only, from or on board of any vessel trading within the limits of this State, other than the regular wharfage chargeable on such vessel.

**278.** Nothing contained in this sub-division of this Article shall prohibit the sale of leather, iron or tobacco, by the person who manufactured the same, without the license herein required.

#### BILLS OF EXCHANGE AND PROMISSORY NOTES.

**279.** It shall be lawful for banks and bankers in the City of Baltimore, to close their doors for business at twelve o'clock noon, on each and every Saturday in the year; and every Saturday in the year after twelve o'clock noon shall be a legal half-holiday, so far as regards the presenting for payment or acceptance, and the protesting and giving notice of the dishonor of bills of exchange, bank checks, drafts, promissory notes and other negotiable paper; and for these purposes shall be treated and considered as the first day of the week, commonly called Sunday; and all such bills, checks, drafts and notes presentable for acceptance or payment on Saturdays, shall be deemed to be presentable for acceptance or payment on the secular or business day next succeeding; *provided*, however, that all bills of exchange, drafts and promissory notes made after the passage of this Article, except those payable at sight or on demand, which shall be otherwise payable on any half-holiday Saturday, shall be deemed to be and shall be payable on the next succeeding secular or business day; and *provided* further, that for the purpose of protesting or otherwise holding liable any party to any bill of exchange, bank check, draft or promissory note, and which shall not have been paid before twelve o'clock at noon on any half-holiday Saturday, a demand of acceptance or payment thereof may be made, and notice of protest or dishonor thereof may be given on the next succeeding secular or business day; and provided further, that when any person shall receive for

collection in said City of Baltimore, any bill of exchange, bank check or promissory note due, and presentable for acceptance or payment on any half-holiday Saturday, such person shall not be deemed guilty of any neglect or omission of duty, nor incur any liability in not presenting for payment or acceptance, or collecting such bill of exchange, bank check, draft or promissory note on that day; and *provided* further, that in construing this section every half-holiday Saturday shall, until twelve o'clock noon, be deemed a secular business day. Nothing in this section shall affect the provisions of sections 9 and 10 of Article 13 of the Code of Public General Laws applicable to any Saturday, whenever the same, under the provisions of said sections, shall be a legal holiday.

#### BUILDINGS.

**280.** It shall not be lawful for the owners or lessees of any public hall, church, school or place of amusement, in the Cities of Baltimore, Annapolis, Cumberland, Frederick, Hagerstown or Frostburg, to obstruct, or allow to be obstructed by others, any of the aisles or passage-ways in the auditorium of said halls, churches, schools or places of amusement, by placing therein any benches, chairs or stools, or other articles that may prevent free ingress or egress during the hours that said places may be open to the public. Said owners or lessees, or their agents, are required to keep open at all hours during the time said halls, churches, schools or places of amusement are open to the public, all doors giving ingress or egress, unless said doors open outward from said places; then the same may be closed, but no hindrances, such as locks or catches of any kind, shall be allowed to obstruct or prevent instant and easy egress through the same; and when said doors open inwards, it is required of said owners, lessees or their agents, that said doors shall be fastened securely and firmly open. Owners or lessees, or any person holding under them, or their agents, violating any of the provisions aforesaid, shall, on conviction thereof, be fined by the court before which such conviction is had for any violation, a sum not exceeding five hundred dollars, to be recovered as other fines in this State, one-half of which shall go to the State and the other half to the Cities where such

violations occur and convictions thereof are had. It is made the special duty of the Judge or Judges of the courts having criminal jurisdiction in said Cities of Baltimore, Annapolis, Cumberland, Frederick, Hagerstown and Frostburg, to specially charge the Grand Juries of said courts upon the execution of the foregoing provisions; and the police authorities of said Cities are specially charged with the execution thereof, and to that end shall direct nightly examinations by some of their officers, of all such places. It shall not be lawful for any person, agent, owner or proprietor of any sweat-shop or factory where four or more persons are employed, to use any coal oil, gasoline, or any other explosive or inflammable compound for the purpose of lighting or heating in any form; and any person, agent, owner or proprietor violating this provision shall be guilty of a misdemeanor, and on conviction thereof, be fined by the court before which such conviction is had, for every violation, the sum of one hundred dollars and costs, and stand committed until such fine and costs be paid. The owner or owners of any such house or building used as a sweat-shop or factory where four or more persons are employed as garment workers, on other than the first floor of such house or building, shall provide fire-escapes for the same; and if any owner or owners of any house or building so used, fail to make or provide a fire-escape, such owner or owners shall pay a fine of two hundred dollars, to be recovered as other fines in this State, or imprisonment in the City Jail for sixty days, or both fine and imprisonment, in the discretion of the court.

#### CARRIAGES AND HORSES.

**281.** The Board of Police Commissioners of the City of Baltimore shall determine and fix the rate of fare to be charged by the owners of hackney carriages in said City; and every owner of a hackney carriage who shall have obtained a license therefor, as required by the ordinances of the Mayor and City Council of Baltimore, shall be authorized and entitled, during the time in such license specified, to ask, charge and receive, as a compensation from every person using the same, the rates of fare and compensation, and hire prescribed by the said Board of Police Commissioners, and no more; *provided*, that the pro-



visions of this section shall not apply to the owners of hackney carriages who conduct their business exclusively at their respective stables.

**282.** The owner of every licensed hackney carriage, other than those excepted in the preceding section, before he shall be entitled to charge, ask or receive any hire or compensation for the use thereof, shall cause the number of such carriage, as stated in his license, in plain and easily legible figures, at least two inches in length, to be painted or otherwise delineated in conspicuous places on each side of such carriage, both within and without, and shall also keep in at least two conspicuous positions in the interior of such carriage a copy of the rates of fare or charges prescribed by the Board of Police Commissioners, as aforesaid, printed on white paper card, with black ink, by types of a size not less than long primer, so that the same may be conveniently seen and read in the daytime by any person who may be a passenger in said carriage. Every owner of a hackney carriage licensed as aforesaid, for the use of which any higher or greater rate of fare shall be asked and received by any driver or other person having care of such carriage, than that prescribed by this sub-division of this Article, or who shall omit or neglect to comply with the directions herein contained, shall incur a penalty of ten dollars; every continuance of an omission to comply with the provisions herein contained for one day after any prosecution therefor, to be taken as a distinct offence.

**283.** Every driver of any licensed hackney carriage who shall refuse or omit when required, to inform any person using such carriage or applying for the use of it, the true number thereof, or the correct amount of the rates of fare authorized to be charged for the use of it, or who shall wilfully mislead, or misconvey, or insult, by abusive or indecent and opprobrious language, any passenger whom he shall have in his care for conveyance in the carriage of which he is driver, shall for every such offence incur such penalty, not exceeding twenty dollars, as shall be adjudged by the Mayor of the said City or any Justice of Peace therein, before whom complaint shall be made by or on behalf of the party injured.

**284.** No driver or person in charge of cabs or hackney carriages shall ask, charge, demand or receive more than the rates of fare as established by the Board of Police Commissioners in the City of Baltimore from time to time, from any passenger or passengers; and any person violating the provisions of this section shall, upon conviction, be liable to a fine not exceeding fifty dollars, or imprisonment in jail for a period not exceeding six months nor less than thirty days, or both, in the discretion of the court.

**285.** The proprietors of any hackney carriage in the City of Baltimore who do not intend to go upon or use the public stands in said City with such hackney carriages, shall at the time of applying for a license for the same, as required by the present or any future ordinances of the Mayor and City Council of Baltimore, signify in writing such intention, and thereupon a special license may and shall be granted to such proprietors by the Comptroller or other proper officer of said City; and for every special license thus granted there shall be paid such sum as is now or shall hereafter become payable for other hackney carriages by the present or future ordinances of said City.

**286.** No hackney carriages which shall be thus especially licensed shall make use of or go upon or stand or wait for employment at any of the public stands designated by or under the present or any future ordinances of the Mayor and City Council of Baltimore, or at any place in said City, except the premises of the owner thereof, under a penalty of twenty dollars for every such offence; one-half to be paid to the informer, to be recovered against either the owner or driver thereof, as fines of a like amount are now recovered.

**287.** Each and every proprietor of hackney carriages shall, at the time when he applies for a special license, or any renewal thereof, furnish the Comptroller or other proper officer of the City of Baltimore with a correct statement of the number of hackney carriages used by him; and such owner, whenever he shall increase the number of such hackney carriages, shall report such increase to the Comptroller or other proper officer of said City; and every person violating any of the provisions of

this section shall forfeit his license, and be liable to a penalty of ten dollars.

**288.** All penalties which shall be incurred under section 283 of this sub-division of this Article, or for the breach of any of its provisions, may be recovered by warrant issued in the name of the State, in the same manner as debts within said City are recoverable, with the right of appeal to the Baltimore City Court.

**289.** On the trial of such appeal, the party of whom the penalty is claimed shall be entitled to a jury trial; but there shall be no stay of execution of any judgment appealed from, unless the party appealing shall give bond, with security approved by the officer rendering such judgment, and conditioned that the party appealing shall prosecute the appeal with effect, and obey, perform and pay such judgment as shall be rendered by the Baltimore City Court on the trial of said appeal.

**290.** All penalties which shall be recovered for the breach of any of the provisions of this sub-division of this Article, shall be appropriated one-half to the use of the dispensaries in the City of Baltimore, to be equally divided between them, and the other half to the use of the informer, whose name shall be endorsed on the warrant issued for the recovery of each respective penalty.

**291.** It shall be lawful for any livery stable keeper to retain in his custody any horse, mare or gelding placed under his care for livery, and also any vehicle, until all charges for so keeping shall be paid by the owner thereof.

**292.** It shall and may be lawful for such livery stable keeper to sell any such horse, mare or gelding, or vehicle, at public auction in the City of Baltimore, after giving at least twenty days' notice in two of the daily newspapers published in the City of Baltimore, of the time, place and manner of sale; and after deducting the amount due for keeping, together with all expenses of said sale, to return the surplus, if any, to the owner of such horse, mare or gelding, or vehicle.

**293.** Before proceeding as above, it shall be necessary for such livery stable keeper to state an account for the keeping of such horse, mare or gelding, or vehicle, and prove the same before a Justice of the Peace for the City of Baltimore, who, upon being satisfied by proof of demand and refusal or neglect to pay on the part of the owner, shall thereupon issue his warrant authorizing such sale as aforesaid; *provided*, that the proprietors of such livery stables shall set up on their premises, in some conspicuous place, a copy of the foregoing two sections, printed in large type, and their rates of livery.

#### CORONERS, INQUESTS AND DEAD BODIES.

**294.** The Governor, by and with the advice and consent of the Senate, shall appoint and commission seven competent physicians to act as coroners for the City of Baltimore, to hold office during the period of two years, at an annual salary of one thousand dollars each, payable quarterly by the City Register; and the said Coroners shall be assigned to duty by the Governor, and to each of the police districts of the City of Baltimore; and it is further provided, that whenever the police districts of the City of Baltimore shall be increased in number by the order of the Board of Police Commissioners of Baltimore City, the Governor shall appoint an additional coroner for each of the police districts so created; *provided*, that before entering upon the duties of their office, the persons appointed shall take the oath of office prescribed by the Constitution of the State of Maryland, for office-holders; and further, they shall give bond to the said State of Maryland, with security to be approved by the judge of the Superior Court of Baltimore City, in the penalty of two thousand dollars each, conditioned for the faithful performance of their duties, as now prescribed by law, or which shall hereafter be prescribed.

**295.** Each of the seven Coroners shall be assigned to such sub-division or district of the City of Baltimore as the Governor may direct; and in case of absence or illness of any Coroner, he shall deputize some competent person to attend to the duties of his office during his absence or illness.

**296.** The Coroner shall hold an inquest over every person found dead in his district in said City when the manner and cause of death shall not be already known as accidental, or in the course of nature. No Coroner's jury in said City shall receive any fee or compensation for services as such; and said Coroners are authorized and empowered to issue their certificates to the City Register for the payment of such expenses as may be necessary for the interment of any person over whom they, or either of them, has held an inquest, and whose body is not claimed by friends or relatives; *provided*, the amount of such expenses shall not in any case exceed the sum of seven dollars.

**297.** Each of said Coroners shall make a monthly report to the Police Commissioners of Baltimore City, of the number of inquests held by him during the month last past before said report, with a full description, as far as may be, of the persons who were the subjects of such inquests, their sex, age, color and nationality, the cause and mode of their death, and such other particulars as may be necessary to their identification, in case of strangers and unknown persons; and each of said Coroners shall also, immediately after holding an inquest, deposit in some bank of Baltimore City, subject to the order of the Judges of the Orphans' Court of said City, all property, money and other effects found upon the person of those over whom he shall hold inquest, as hereinbefore provided.

**298.** Any public officer of Baltimore City or Baltimore County having charge of or control over the bodies of deceased persons required to be buried at the public expense or at the expense of any institution supported by said City or County, shall notify the chairman of the Anatomy Board, said board being composed of a demonstrator of anatomy from each medical school in the State, of the existence and possession of such bodies, and shall give permission to said Anatomy Board, through its chairman, or to any physician or surgeon of the State of Maryland upon his request made therefor, to take such bodies within forty-eight hours after death, to be by him used within the State for the advancement of medical science, preference being given to medical schools, public and private; and said

bodies shall be distributed to and among the same equitably, the number assigned to each being proportioned to that of its students; *provided*, however, that if any person claiming to be and satisfying the proper authorities that he is, of kindred to the deceased, or that he was a friend to deceased during his life, shall ask to have the body for burial, it shall be surrendered for interment; or if such deceased person was a stranger or traveler who died suddenly, the body shall be buried and not handed over as aforesaid. Any public officer of Baltimore City or County having charge of or control over the bodies of the deceased persons required to be buried at the public expense or at the expense of any institution supported by said City or County, who shall neglect or refuse to comply with the requirements of this section, shall be guilty of a misdemeanor, and shall upon conviction be fined not less than fifty nor more than one hundred dollars for each and every offence.

**299.** Every physician or surgeon, before receiving any such dead body shall give to the proper authorities a sufficient bond that such body shall be used only for the promotion of medical science within the State; and whosoever shall use such body for any other purpose, or shall remove the same beyond the limits of this State, and whosoever shall sell or buy such body, or in any way traffic in the same, shall be deemed guilty of a misdemeanor, and shall, on conviction, be imprisoned for a term not exceeding five years at hard labor in the City Jail.

#### COURTS.

*Superior Court, Court of Common Pleas and Baltimore City Court..*

**300.** The judge before whom any case may be tried in either the Baltimore City Court, the Superior Court of Baltimore City, or in the Court of Common Pleas, shall have exclusive jurisdiction to hear and determine, and the said judge shall hear and determine, all motions for a new trial where such motions arise, either on questions of fact or for misdirection upon any matters of law, and all motions in arrest of judgment, or upon any matters of law, determined by the said judge; and all such motions shall be heard and determined within thirty days after they are made.

**301.** In no case shall either the plaintiff or defendant be required to file a "paper book" of evidence or brief, in either of the courts of the City of Baltimore.

**302.** The stated terms of the Superior Court of Baltimore City, the Court of Common Pleas and the Baltimore City Court, shall commence on the second Monday in January, the second Monday in May, and the second Monday in September, in each year.

**303.** In addition to the first day of each term of the Superior Court of Baltimore City, the Court of Common Pleas of the City of Baltimore, and the Baltimore City Court, the second Monday in February, March, April, June, July, August, October, November and December, in each year, shall be return days, and the words "return day," wherever used in this subdivision of this Article, shall apply as well to the first day of each term as to the other return days herein enumerated.

**304.** All original writs, writs of execution, attachment, replevin, ejectment, *scire facias* and *habere facias*, as well as all other writs and process issued from or returnable to any of said courts, which under the practice heretofore existing would have been returnable to the first day of the term, or to a return day, shall hereafter be made returnable to the first return day after the issue of the same, or may be made returnable to the second return day thereafter, if the party by whose direction the same was issued, or his attorney, shall so request in writing.

**305.** On the return of an original writ, not executed in either of said courts, the same may be renewed, returnable to the next return day thereafter, and after two returns of any original writ not executed at the two succeeding return days after the writ is first issued, the same shall be permitted to lie dormant, renewable only on the written order of the plaintiff or his attorney of record to such future return day as the said plaintiff or his attorney may elect, and upon a further return if not executed, said writ shall be again permitted to lie, renewable only as aforesaid, the said plaintiff or his attorney having the right to renew said writ to as many subsequent return days, under the same mode of procedure as may be deemed proper, until the same is executed.

**306.** After the execution of any writ or other process made returnable to a return day in either of said courts, the same proceedings may be had thereupon as if the same had been made returnable, and had been returned to a term of said court under the practice heretofore existing, except as hereinafter otherwise provided.

**307.** If a defendant be returned "summoned," and shall fail to appear, the clerk of the court on the day following the return day to which the writ or process served on him is returnable, shall enter the appearance of any defendant so summoned and failing to appear, and the action shall proceed in the same manner as if the party had appeared in person.

**308.** When a declaration in any action shall be filed in court, and a copy thereof delivered to the defendant before the day of the return of the writ, and the defendant shall be summoned before the said day of the return of the writ, he shall plead before the next succeeding return day, or judgment by default for want of a plea shall be entered by the court or clerk thereof, upon motion in writing made by the plaintiff, or his attorney, then, or at any time thereafter, before the filing of a plea by the defendant, unless the court for good reason shall have granted said defendant further time to plead; and upon such entry of judgment, the plaintiff may forthwith sue out his writ of inquiry, or otherwise enter up final judgment according to the course of the court.

**309.** When any action shall be brought upon a titling and the defendant shall have been summoned, the plaintiff shall file his declaration within fifteen days after the return day to which said defendant had been summoned, or judgment of *non pros.* may be entered by the court or the clerk thereof against him for want of a declaration, upon motion in writing made by the defendant at any time thereafter, unless the court for good cause shown shall grant further time; but if the plaintiff shall have filed his declaration in any such action, at any time before the entry of a judgment of *non pros.* against him, the defendant shall be required to plead to such declaration within the time and upon the terms prescribed by the rules of the court, or judg-



ment by default may be entered against him as provided by said rules.

**310.** Every suit in which any defendant shall be returned summoned, shall stand for trial or judgment (as against such defendant) at the return day next succeeding the day to which he has been summoned; *provided*, the declaration shall have been filed in court, and a copy thereof shall have been served on the defendant, or his attorney, at least fifteen days before said return day; and all such suits in which final judgment is not entered on that day, shall then be put at the end of the trial calendar of the court in which they are brought, in the order in which they were instituted in said court, and shall be finally disposed of as far as possible when reached in their regular course.

**311.** In all cases in which a party by law would be entitled to a continuance, the court may, instead of continuing the cause to the next term, postpone the same for thirty days, or such other period as will best subserve the interests of justice.

**312.** In any suit, when the cause of action is a contract, whether in writing or not, or whether expressed or implied, the plaintiff, if affidavit or affirmation be made, as hereinafter stated, shall be entitled to judgment, to be entered by the court or the clerk thereof, on motion, in writing, at any time after fifteen days from the return day to which the defendant shall have been summoned, although the defendant may have pleaded, unless such plea contains a good defence, and unless the defendant or some one in his behalf shall, under oath or affirmation, state that every plea so pleaded by the defendant is true; and shall further state the amount of plaintiff's demand, if anything, admitted to be due or owing, and the amount disputed, and further, that the affiant verily believes the defendant will be able at the trial of the cause to produce sufficient evidence to support the plea as to the portion disputed, and that he is advised by counsel to file the said plea; and such plea shall be accompanied by a certificate of counsel that he so advised the party making such oath or affirmation, and if the co-partnership or incorporation of any of the parties to the suit shall be alleged in the declaration and the affidavit to be filed

therewith, as hereinafter provided; or if there shall be filed with the declaration in said cause, any paper purporting to be signed by any defendant therein, the fact of such alleged copartnership or incorporation, and the genuineness of such signature shall be deemed to be admitted for the purposes of said cause, unless the said affidavit shall further state that the affiant knows, or has good reason to believe, such allegation of copartnership or incorporation to be untrue, or that such signature was not written by or by the authority of the person whose signature it purports to be. In case any part of the debt or damages claimed be admitted to be due, the plaintiff shall be entitled forthwith to an entry of judgment therefor, with costs in the discretion of the court, to the time of entry of such judgment, and if the amount so admitted to be due shall not be below the jurisdiction of the court, the plaintiff may at once have execution therefor, and upon such entry of judgment the plaintiff may join issue or reply to the pleas as to the disputed portion, and the case shall be proceeded with as to such disputed portion in the same manner as if the suit had been originally instituted for the recovery of the same; and the court shall have jurisdiction as to such disputed portion in all cases where the amount originally claimed shall be within the jurisdiction of the court, but if either judgment in the case be below the jurisdiction of the court, no execution shall issue from that court on the same, and the provisions of section 17 of Article 26 of the Code of Public General Laws shall apply thereto; yet if the sum of the two judgments shall equal such jurisdiction they may then be included in an execution issued from that court; *provided*, that the court for good cause shown, may, by its order in writing, passed at any time before judgment, extend the time for filing such pleas and affidavits, which extension shall suspend, until the expiration thereof, the plaintiff's right to enter judgment under this section.

**313.** The plaintiff shall not be entitled to judgment under the preceding section, unless at the time of bringing his action he shall file with his declaration an affidavit or affirmation, if the affiant is conscientiously scrupulous as to taking an oath, stating the true amount the defendant is indebted to him, over and above all discounts, and shall also file the bond, bill of ex-

change, promissory note or other writing or account, by which the defendant is so indebted; or if the action be founded upon a verbal or implied contract, shall file a statement of the particulars of the defendant's indebtedness thereunder. If there are two or more plaintiffs, the said affidavit or affirmation may be made by any one of them, or if all the plaintiffs be absent from the State at the time of the bringing of said suit, or if the plaintiff be a corporation, the said affidavit or affirmation may be made by any agent of plaintiff or plaintiffs, or any of them, who will make further oath or affirmation that he has personal knowledge of the matters therein stated; and the said affirmation or affidavit may be made before any of the persons who may take an affidavit or affirmation to authorize the issuing of a foreign attachment, and may be certified in the same manner.

**314.** When any judgment by default shall be entered under any of the preceding sections, the court may assess the damages on proof thereof without empanelling a jury to do so, unless the defendant shall have filed a motion in writing before the entry of such default for a jury trial, and shall have stated in such motion how much of the plaintiff's demand is disputed, and how much thereof, if any, is admitted by said defendant to be due, and in such case the plaintiff may forthwith have judgment entered up for the amount so admitted, as provided in the preceding section.

**315.** If the defendant shall dispute the whole or any part of the plaintiff's demand in any action brought under the provisions of the three foregoing sections, and upon trial of the case the plaintiff shall recover a judgment for any portion of his demand so disputed, then the plaintiff shall be allowed in addition to the costs of the suit, reasonable counsel fees, to be fixed by the court, said fees not to be less than twenty-five dollars nor more than one hundred dollars.

**316.** Bills of exception may be signed in any cause pending in any of said courts at any time within thirty days from the rendition of the verdict of the jury or the findings of the court upon the issues of fact in said cause, but not thereafter, unless the time for signing said bill of exception shall have been previ-

ously extended by order of court or by consent of parties; but nothing herein shall prevent either party from requiring the bills of exception to be signed before verdict.

**317.** Any action taken or order passed by any of said courts in relation to any judgment rendered by it, if taken or passed within thirty days after the entry of such judgment, or upon a motion or application made to it within said thirty days, shall have the same effect and force as it would have had under the practice heretofore existing in said court, if taken or passed during the term, or upon a motion or application made during the term at which said judgment was entered, and no more; but any such action taken or order passed after the expiration of thirty days from the entry of any judgment, (unless upon a motion or application made within that time), shall have the same effect and force as it would have had under such previous practice, if taken or passed after the expiration of said term, and no more; and the said courts shall respectively have, for a period of thirty days after the doing of any act or thing in any cause before them, the same revisory power and control over such act or thing which, under the practice heretofore existing, they would have had over the same during the term at which it was done, and no more; and after thirty days from the doing of any such act or thing, the said courts shall have the same revisory power and control thereover, which, under such previous practice they would have had after the expiration of the term at which said act or thing was done, and no more.

**318.** In all cases where the pre-existing laws direct or require that any act or thing shall be done in or by any of said courts during the same term at which some other act or thing may be done or happen, such first mentioned act or thing shall hereafter be done within thirty days after the doing or happening of said last mentioned act or thing.

**319.** All appeals from Justices of the Peace to the Baltimore City Court shall stand for trial on the day following the return day to which the appellee shall be returned summoned, or the second return day to which the summons issued for the appellee shall be returned *non est*. But before the Baltimore

City Court shall proceed to try any such appeal, the court shall first be satisfied that all costs incurred on the judgment and proceedings before the justice have been paid by the appellant.

**320.** In all cases in which appeals are or may be allowed to the Baltimore City Court from the decisions of any commissioners, or other persons appointed in any manner to determine any benefits or damages in any form of condemnation proceedings, for the use of the Mayor and City Council of Baltimore, it shall be lawful for the City to enter appeals in the same manner and within the same time or times allowed for their entry by other persons; and all such appeals by whomsoever prayed within the time or times limited therefor, shall be heard and determined by the Baltimore City Court as speedily as may be, each person interested being secured in his, her or its right to a jury trial; and in case there should be more than one appeal in reference to the same piece of property, they may all be heard together, in the discretion of the Court, before one jury; *provided*, a sufficient panel of jurors be furnished, so that the City and the owners or representatives of each separate interest or estate in such property may strike four names from such panel; the practice, including the right of appeal to the Court of Appeals in all such cases, shall conform as near as may be to the practice now prevailing in said court in the trial of appeals from the decisions of the Commissioners for Opening Streets.

**321.** The Supreme Bench of Baltimore City shall annually designate two members of the said bench to sit in their respective courts, attended by their clerks, during the annual sittings of the Registers of Voters, and also on the four Saturdays immediately preceding the September session of the Registers of Voters of the City of Baltimore, for the purpose of hearing and determining applications for naturalization, and such applications shall have precedence over all other business.

**321A.** The Supreme Bench is authorized to adopt rules and regulations governing the subject of naturalization of aliens in the Courts of Baltimore City, and imposing a uniform scale of charges to be collected from the persons applying for natu-

ralization to defray the expenses incident to the operation of said rules and regulations.

**322.** Whenever the record of proceedings in any suit, action or issue pending in one of the courts of common law in the City of Baltimore shall be directed to be transmitted for trial to some other such court of the said City, in accordance with Article 4, section 8, of the Constitution, it shall be the duty of the clerk of the court from which the said record of proceedings is so directed to be removed, to immediately deliver to the clerk of the court to which the same is so directed to be removed, all the original papers in the said cause, together with a certified copy of all docket entries relating to the same, which original papers and copy of docket entries shall constitute such record of proceedings for the purposes of such trial; and it shall thereupon become the duty of the judge of the court to which the said suit, action or issue shall be removed immediately by special order to assign the same for trial to such day, or in sequence to such other causes as he shall consider just and proper.

*Circuit Court of Baltimore City.*

**323.** Whenever in any case instituted in the Circuit Court a jury is asked for and allowed, or is desired by the Judge thereof, the Judge shall issue an order to the Sheriff of Baltimore City, requiring him to summon twenty jurors to attend the court, when proceedings shall be had in such cases as is usual in like cases in equity.

**324.** The Judge of the Circuit Court is not required to file opinions for or in respect of any final decree or decretal order, whenever such decree or order shall have passed upon argument, oral or in writing, on the part of any of the parties to a cause. This section shall apply also to the Judge of the Circuit Court Number Two of Baltimore City.

*Circuit Court Number Two of Baltimore City.*

**325.** Another court is established in and for the City of Baltimore, to be styled the Circuit Court Number Two of Balti-

more City. The powers and jurisdiction of said court shall be concurrent with those now held and exercised by the Circuit Court of Baltimore City, and both of said courts shall have the same terms and return days; subject, however, to such rules and regulations for a proper distribution and apportionment of business between them as the Supreme Bench of Baltimore City shall from time to time prescribe.

**326.** There shall be elected another Judge of the Supreme Bench of Baltimore City, by the legal and qualified voters of said City, at the election to be held in said City on the Tuesday next after the first Monday of November, eighteen hundred and eighty-eight; the said Judge, when elected, to be subject to all the provisions of the Constitution relating to the Supreme Bench in Baltimore City and the several judges thereof.

**327.** There shall be elected at the same election by the legal and qualified voters of Baltimore City, a clerk for said Circuit Court Number Two of Baltimore City, who shall be subject to all the provisions of the Constitution relating to the Clerk of the Circuit Court of Baltimore City.

*Criminal Court of Baltimore.*

**328.** The Criminal Court of Baltimore shall hold three regular sessions yearly, to commence on the second Monday of January, second Monday of May, and second Monday of September; and such sessions shall continue until all the business before it shall be finished.

**329.** At special sessions of said court, all cases may be tried and disposed of as at the regular terms thereof.

**330.** The Criminal Court of Baltimore shall have jurisdiction in all cases of felony, and other crimes, offences and misdemeanors within the City of Baltimore.

**331.** Any person convicted in the Criminal Court of Baltimore of larceny committed in Baltimore City to an amount under five dollars, may in the discretion of the judge of the said

court, be sentenced to hard labor in the jail of Baltimore City for not less than six months nor more than two years, instead of the penitentiary.

**332.** All commitments and recognizances for all felonies, crimes, offences and misdemeanors committed within said City, shall be returned from time to time by any Justice of the Peace taking the same before said court, and shall be lodged with the clerk of said court on the day next preceding the day appointed for holding the said court.

**333.** It shall be the duty of the Sheriff to make return of each *capias* upon presentment or indictment from said court within five days after the same is delivered to him by the clerk; and if said *capias* is returned *non est*, the clerk shall, in the discretion of the State's Attorney of Baltimore City, order said *capias* to be re-issued, and the same *capias* shall again be delivered to the Sheriff; and the date of the first return thereof shall be endorsed thereon; and the second return shall be made within the time above specified; and in case the said *capias* is returned the second time *non est*, the same shall be again so endorsed and delivered to the Sheriff.

**334.** The Clerk of said court and the Sheriff of said City shall be allowed only the fees for the issue of one *capias*, or for the service of one *capias* in each term, however often the same may be issued or returned.

**335.** All *subpoenas* for witnesses from said court shall be returned by the Sheriff within six days after the same are issued by the clerk, or within six days after the day of the renewal of such *subpoenas*, unless the same are ordered to be returned immediately, in which case they shall be so returned, if practicable.

**336.** The said Sheriff shall be allowed for the service of one *subpoena* only, against any witness that may be returned *non est*, and for whom the said *subpoena* may be renewed, whether once or oftener in one term.



**337.** The clerk of said court, if a *subpoena* is renewed by order of the State's Attorney, or by the counsel of the prisoner or traverser, shall endorse the renewal, on the *subpoena*, and the same shall have all the legal effect of a new *subpoena* issued in the term of said court during which said *subpoena* was first issued.

**338.** The Sheriff of said City shall be subject to a penalty of five dollars in each case in which returns are not made within the time prescribed in this sub-division of this Article.

**339.** Witnesses appearing before the Grand Jury shall be sworn in the presence of the Grand Jury by the foreman or by some other member appointed by the foreman for that purpose.

**340.** In all cases of misdemeanor which may be prosecuted in said court at the instance of any person, if the party so prosecuted shall be acquitted, all the legal costs and expenses attending the prosecution shall be paid by the person at whose instance such prosecution was commenced, unless the court shall certify that there was probable cause for the prosecution.

**341.** The same process may be issued for the recovery of the costs and expenses of such prosecution against the person who may become liable therefor under the last preceding section, as could be issued against the party prosecuted, if he had been convicted.

**342.** The Mayor and City Council of Baltimore shall not be liable in any criminal cases tried in the Criminal Court of Baltimore for the appearance fees allowed by law to the attorney of the traverser.

**343.** Whenever the Grand Jury shall find any presentment against any person for misdemeanor they shall endorse on the presentment the name of the person at whose instance such presentment is made, who shall be deemed and taken to be the person at whose instance such prosecution was commenced.

**344.** If any security in any recognizance shall request to deliver up the principal, said court, or the judge thereof in the

recess, may accept such surrender, and may require and take other recognizance, or commit the principal to jail until he gives such security as the law requires.

**345.** If any person convicted in said court shall have a child or children under the age of twenty-one years, and shall not have property sufficient to maintain such child or children, the said court may bind such child or children to any trade or handicraft; females until the age of sixteen, and males until the age of twenty-one years.

**346.** If any person who shall be summoned as a witness to said court shall fail to attend as required in said summons, he shall be fined by said court in its discretion, not exceeding one hundred and fifty dollars.

**347.** In all criminal cases in the said court in which bail shall be forfeited, the person who shall have entered into such recognizance for the appearance of any traverser or prisoner shall be liable forthwith to an attachment for contempt for the non-appearance of said party, which attachment shall be issued by the court in which an indictment against said traverser or prisoner is pending, at the instance of the attorney prosecuting therein.

**348.** In all cases in which bail as aforesaid is forfeited, the court may, on the return of said attachment, order the person attached to stand committed until the amount of said recognizance is fully paid and satisfied, or may order said person to be discharged upon the payment of such lesser sum as it shall, in its discretion, deem proper; *provided*, such sum be not less than the amount of the costs which may have accrued in the case up to the time of passing such order.

**349.** In all criminal cases removed from the Circuit Court for Baltimore County to the Criminal Court of Baltimore and tried, the Judge of the Criminal Court may allow to the State's Attorney for Baltimore City, in addition to the sum now allowed by law, a compensation not exceeding forty dollars in any one case, to be paid by Baltimore County to the City Register, for the benefit of the State's Attorney.

**350.** The Criminal Court of Baltimore may appoint assistant counsel for the State to aid in the trial of criminal or other State cases in said court, whenever in the judgment of the court the public interest requires it.

**351.** The Mayor and City Council of Baltimore shall levy and pay such sum as in their judgment will be an adequate compensation for the services rendered by such assistant counsel; *provided*, the sum levied and paid in any single case shall not exceed one hundred dollars.

#### *Orphans' Court.*

**352.** The Judges of the Orphans' Court of Baltimore City shall receive five dollars for every day's attendance upon the sessions of said Court, to be paid by the City of Baltimore monthly, and the sessions of said Court shall continue from 11 A. M. until 3 P. M., if necessary for the transaction of business of the Court.

**353.** The Bailiff of said Orphans' Court shall receive five dollars a day for each day's attendance upon said Court.

#### *Register of Wills.*

**354.** The Register of Wills of Baltimore City, upon his election or appointment, and at and before the expiration of every two years thereafter, shall give bond to the State of Maryland in the sum of thirty thousand dollars, conditioned for the faithful performance of all the duties now or which may hereafter be required of him by law, with securities, the sufficiency of which shall be certified by the Judges of the Orphans' Court for said City, the same to be approved by the Comptroller of the State, and when approved, to be filed in his office.

**355.** When said bond is inspected by the judges of said court, and is deemed good and sufficient, and is so certified, the same shall be forthwith entered among the proceedings of said court, and sent to the Comptroller for his approval; and when

said bond shall be approved by the Comptroller, he shall forthwith make a certificate of the fact of such approval, and send the said certificate to the Judges of said Orphans' Court, and the same shall be entered among the proceedings of the court.

**356.** A refusal or neglect on the part of said Register to give bond, to be approved and recorded as aforesaid, within the time prescribed, shall be deemed a disqualification within the meaning of the Constitution, and thereupon his place shall be filled according to the provisions of the 25th and 41st sections of the 4th Article of the Constitution, and subject to the term and service therein prescribed.

*Clerks of Law Courts of Baltimore City.*

**357.** The Clerk of the Superior Court of Baltimore City shall give bond to the State of Maryland in the sum of thirty thousand dollars; the Clerk of the Court of Common Pleas in the sum of fifty thousand dollars, and the Clerk of the Baltimore City Court in the sum of twenty thousand dollars, each of said bonds conditioned for the faithful performance of all the duties now required of each of said clerks by law, with sufficient securities; the sufficiency of which securities shall be certified to by the Judge of each of said courts, and approved by the Comptroller of the State as herein directed.

**358.** When the sufficiency of the securities in each of said bonds is certified to by the judges of the several courts, the bonds shall be immediately recorded among the proceedings of the court to which the said clerk belongs, and then sent to the Comptroller for his approval; and if the Comptroller shall approve said bonds and securities he shall certify the same to the judges of said several courts, and such certificates shall be recorded in such respective courts.

**359.** Each of said clerks shall every second year renew his said bond in the same penalty, and with securities to be certified and approved as hereinbefore directed.

**360.** If any one of the clerks of said courts shall fail to give bond as hereinbefore directed, within thirty days after he has received his commission, or shall fail to give a new bond within thirty days after the expiration of two years from the date of the bond previously given, it shall be regarded as a misdemeanor in office, and upon conviction thereof he shall be removed.

**361.** No deputy or assistant of a clerk shall become a surety on his official bond.

**362.** The Clerks of the Superior Court of Baltimore City, of the Common Pleas, and Baltimore City Court are each authorized and required to prepare an index of all judgments rendered in the courts aforesaid; and they shall severally, on each day after the adjournment of court, enter in a book to be provided for that purpose, an index of each judgment rendered in the court whereof he is clerk; and they are authorized severally to charge and receive ten cents for each judgment indexed as aforesaid; said fee to be taxed in the bill of costs of each case in which judgment is entered—to be collected as other fees are now collected.

**363.** All the provisions of sections 57-62 of Article 17 of the Code of Public General Laws, title "Clerks of Courts," subtitle "Clerks of the Circuit Courts," relating to the obtaining of blank licenses, granting the same and returning an account thereof to the Comptroller by the clerks of the circuit courts for the counties, shall apply to the Clerk of the Court of Common Pleas, and it shall be his duty to comply with such provisions.

**364.** The Clerk of the Superior Court of Baltimore City is authorized and empowered to have fair and legible copies made of such land record books in his custody of the classes and description hereinafter named, as have become worn, mutilated or illegible, that is to say, fifty-six volumes of the said land record books, of a date prior to the year eighteen hundred; five volumes of the series of land record books known as "W. G." and eight volumes of the said land record books, of the series known as "E. D."

**365.** A copy made in pursuance of the provisions of the preceding section, and compared and certified under oath by the said Clerk of the Superior Court of Baltimore City, to be a true copy, shall have the same force and effect when deposited among the said land records of said City, as if it were an original record.

**366.** After the aforesaid copies shall have been duly made as above provided, the original land record books so replaced shall be removed to some place of safe keeping by the said Clerk of the Superior Court of Baltimore City, and carefully preserved, and only exhibited or allowed to be inspected upon an order of court, or in the discretion of the said Clerk of the Superior Court of Baltimore City.

*Clerk of the Criminal Court of Baltimore.*

**367.** The Clerk of the Criminal Court of Baltimore shall give bond to the State of Maryland in the penalty of fourteen thousand dollars, with sufficient security, to be approved by the Judge of said court, and conditioned for the faithful performance of all the duties now required, or which may hereafter be required of him by law, and to be recorded in the office of said clerk.

**368.** The said clerk shall renew said bond at the same time and under the same penalty as are prescribed for the clerks of the Circuit Courts.

*Clerk of Circuit Court of Baltimore City, and of the Circuit Court Number Two of Baltimore City.*

**369.** The Clerk of the Circuit Court of Baltimore City, and of the Circuit Court Number Two of Baltimore City, shall respectively enter into bond to the State in the penalty of twenty thousand dollars, conditioned for the faithful discharge of his duties, with security to be approved by the Judge of said courts.

*Salaries of Clerks of Courts.*

**370.** Whenever the fees or other compensation of any of the clerks of the courts of Baltimore City shall, after the payment of all necessary expenses, fail to pay such officers the salary provided for by the Constitution, and any of said clerks shall, under section 1st, Article 15, of the Constitution, have paid to the State any sum of money as excess, after retaining his salary, such excess is appropriated to the payment of the salary so in arrear until each of said clerks shall have received the full amount thereof; and it shall be the duty of the Comptroller of the State to draw a warrant upon the State Treasurer for the payment of said arrears out of the said excess, not to exceed the whole amount so in arrear, and not to exceed the whole amount of said excess paid into the treasury of the State.

**371.** The Comptroller of the State of Maryland be and he is hereby directed to draw a warrant upon the State Treasurer for the payment of the sum of twenty-five hundred dollars per annum in each and every year, in quarterly instalments of six hundred and twenty-five dollars at the end of each and every quarter, for the compensation of the trust clerk designated by the Supreme Bench of Baltimore City in the offices of the Circuit Court of Baltimore City and Circuit Court No. 2 of Baltimore City, for the supervision of the trust estates in said courts, payment of said salary to be made out of any money paid by the clerks of the several courts of Baltimore City unto the State Treasury, and on the certificate of some one of the judges of the Supreme Bench of Baltimore City that such trust clerk has performed his duties for the time so certified by said judge.

*Criers, Bailiffs, Watchmen and Stenographers.*

**372.** The Clerks of the Circuit Court, Circuit Court Number Two, the Criminal Court, the Court of Common Pleas, the City Court and the Superior Court of Baltimore City shall severally, at the end of every month, certify to the Mayor and

Register of the City the amount due the several bailiffs and criers of their respective courts, and the Mayor and Register shall pay them accordingly.

**373.** The City Register shall pay to the crier of the Superior Court of Baltimore City, the crier of the Baltimore City Court, and the crier of the Court of Common Pleas of Baltimore City the sum of fifteen hundred dollars per annum, in monthly instalments of one hundred and twenty-five dollars at the end of each and every month, as and for their respective salaries, on the certificates of said clerks of the said courts that said criers have performed their several duties as criers of said courts for the time so certified by said clerks.

**374.** The City Register shall pay to the bailiffs, respectively, of the Superior Court of Baltimore City, of the Court of Common Pleas of Baltimore City, of the Baltimore City Court, of the Circuit Court of Baltimore City, of the Circuit Court Number Two of Baltimore City and of the Criminal Court of Baltimore City the sum of fifteen hundred dollars per annum, as and for their respective salaries, at the same time and in the same manner as is provided in the preceding section for the payment of the salaries of the crier of the Superior Court, the crier of the Baltimore City Court and the crier of the Court of Common Pleas of Baltimore City.

**375.** The Clerk of the Circuit Court of Baltimore City and the Clerk of the Circuit Court Number Two of Baltimore City are respectively authorized and empowered to appoint a night watchman, whose duty shall be to strictly and vigilantly guard throughout the year, between the hours of six P. M. and seven A. M., the records and papers deposited in their respective offices, and who shall be removed in the discretion of the said clerks, respectively, for neglect or carelessness in the discharge of his duties, or for other good and sufficient cause.

**376.** The City Register shall pay to the said watchmen the sum of nine hundred dollars per annum, as and for their respective salaries, in the same manner as is provided for the payment of the salaries of the bailiffs of the courts.



**377.** The Clerk of the Court of Common Pleas in Baltimore City is authorized and empowered to appoint a night watchman, whose duty it shall be to strictly and vigilantly guard, throughout the year, the records and papers deposited in the office of the Clerk of the Court of Common Pleas, and who shall be removed, in the discretion of the said clerk, for neglect or carelessness in the discharge of his duties, or for other good and sufficient cause.

**378.** The City Register shall pay to the said watchman the sum of eighty-three dollars and thirty-three cents per month, as and for his salary, in the same manner as is provided for the payment of the salaries of the bailiffs of the courts.

**379.** The Judges of the Supreme Bench of Baltimore City are authorized and directed to appoint from time to time as many court stenographers, not exceeding in number altogether the number of said judges, as shall in their discretion be required for the services of the several courts of Baltimore City, who shall be sworn officers of the court, and shall each be paid a salary of fifteen hundred dollars per annum, when such stenographers shall be required to attend the courts regularly, or ten dollars per diem for each day of actual employment, when he shall be appointed to attend only when his service shall be specially required by the judge; said salaries to be paid in like manner as the salaries of the other officers of the courts are now paid as prescribed in section 372 of this subdivision.

**380.** Each of the stenographers so appointed shall be skilled in the practice of his art, and shall hold his position during the pleasure of the Supreme Bench. It shall be his duty, under the direction of the judge of the court to which he may be assigned for the time being, to take full stenographic notes of all oral testimony and judicial opinions orally delivered in every judicial proceeding; and it shall be his duty to furnish to any party to such proceeding, upon request, a typewritten copy of the notes of testimony and judicial opinions so taken by him, or of such part thereof as may be required, on payment by such party of the expenses of such copy, at

such rates as shall be fixed by rule of court at the time. Whenever any judge shall be satisfied that a copy of all or any part of the stenographic notes of testimony or judicial opinions, taken during any judicial proceeding at which he presided, is necessary for the purpose of justice, he shall, under such rules as shall be prescribed by the Supreme Bench, pass an order that the expense of making a copy of such part of said stenographic notes as he shall specify in said order shall be deemed a necessary disbursement of the proceeding, and allowed as such to the prevailing party, and it shall be so taxed in the bill of cost, but shall be paid in the first instance as shall be directed in said order.

**381.** The Judges of the Orphans' Court of the City of Baltimore are authorized and directed to appoint a stenographer for that court, who shall be a sworn officer of the court, but shall be required to attend the sessions of such court only when specially summoned by the presiding judge thereof. The stenographer so appointed shall be skilled in the practice of his art, and shall hold his position so long as he efficiently discharges the duties of his office. In any proceeding in said court in which either party shall give notice that in the event of a decision of said court adverse to the claim of such party, an appeal will be taken to the Court of Appeals, the presiding judge of the court shall require the attendance of the stenographer, whose duty it shall be in such proceedings to take full stenographic notes of all oral proofs and judicial opinions orally delivered; and in case appeal shall be taken from the decision of the court, such notes shall be transcribed, and after being signed by the witnesses, deponents or affiants, shall become a portion of the record of the case, to be transmitted by the judges of the court to the Court of Appeals. By consent of the parties to the proceeding in which such proofs shall be taken, and of the judges of said court, the signing of such record of proof by the witness, deponent or affiant, may be waived; in which case such record, after being authenticated by the certificate of said stenographer, or of the presiding judge of the court, shall be deemed to be the record of any proofs or proceedings so taken. The stenographer shall receive as compensation for his services the sum of eight dollars

for each day of actual attendance at the court, by direction of the presiding judge thereof, which sum the presiding judge shall cause to be paid equally by the respective parties to the proceeding in which the notes shall be taken, and shall enforce payment thereof; and if the notes so taken shall be transcribed, as hereinbefore provided, the expense of such transcription, at the rate of ten cents for each one hundred words so transcribed, shall be taxed in the bill of costs of the proceeding to the party appellant, and shall thereafter be awarded as costs by the Court of Appeals, in accordance with the provisions of the Code of Public General Laws.

**382.** The stenographer in each of the courts hereinbefore named may appoint an assistant stenographer, who shall also be a sworn officer of the court, to assist him in the discharge of his duties; *provided*, that no additional compensation shall be paid or expense incurred by reason of such appointment.

#### *Sheriff.*

**383.** The Sheriff of Baltimore City shall be allowed four dollars per day for every day he shall attend, either in person or by deputy, in the Superior Court of Baltimore City, and in the Court of Common Pleas, and in the Baltimore City Court, and in the Criminal Court of Baltimore, to be paid to him out of the money received as fees or fines in the Sheriff's office, belonging to the State.

**384.** Any officer may send out his fees on execution at any time during the year.

**385.** The Sheriff shall collect the fees due to the following officers, which may be placed in his hands for collection, namely: attorneys, clerks of all the courts, commissioner of the land office, coroners, criers, registers of wills, surveyors and sheriffs.

**386.** The Sheriff may distrain or execute the goods and chattels of any person against whom any fees are placed in his

hands for collection; *provided*, he has sixty days previously delivered to such person, or left at his place of abode, an account of such fees.

*Witnesses. Docket Entries and Records.*

**387.** Witnesses attending any of the Courts of Baltimore City, except the Criminal Court of Baltimore, shall be entitled to fifty cents a day, and in the Criminal Court shall not be entitled to said allowance, except by the express order of the Court, and only in such cases as the Court in its discretion may deem proper. But any of the Courts of Baltimore City may, in its discretion, allow itinerant charges to out-of-town witnesses.

**388.** In any suit now pending, or hereafter to depend, in any court in the City of Baltimore, wherein a transcript of the record of any cause in any other court in the City of Baltimore might be offered in evidence, it shall be sufficient to produce the docket entries and original papers and proceedings in said last-mentioned cause, or the record book in which the same have been recorded, if required by law to be recorded, and actually recorded, and offer the same in evidence; and the same, when so produced and offered in evidence, shall have the same effect, to all intents and purposes, as a transcript of the record thereof, under the seal of the court wherein the same are; and such production may be had by any party to a suit upon a *subpoena duces tecum* issued to the clerk of the court wherein such docket entries, original papers and proceedings may be.

*Costs.*

**389.** In all actions at law for wrongs, independent of contracts, in any of the courts of Baltimore City, where the verdict or inquisition of damages after default made shall be for a sum less than fifty dollars, the cost shall be adjudged to the defendant, unless the Court shall otherwise determine; but the Court, before allowing costs to the plaintiff in such case, shall be satisfied that he had good reason for not bringing suit

before a Justice of the Peace; and in all cases of appeals whatsoever from judgments of Justices of the Peace in Baltimore City, costs shall be allowed to plaintiff or defendant, in the discretion of the Court; *provided*, that in all cases involving the title to real estate, wherein the verdict or judgment is for the plaintiff, he shall be allowed his costs.

#### CRUELTY TO ANIMALS.

**390.** If any person shall wilfully cause or procure any bull-baiting, cock-fighting or the fighting of dogs, in the City of Baltimore, or shall wilfully and wickedly kill, cripple or commit acts of cruelty upon animals in said City, or any of the streets, lanes or alleys thereof, every such person and those aiding therein shall be liable to prosecution and punishment in the Criminal Court of Baltimore as for other misdemeanors.

**391.** Whoever shall unnecessarily overdrive, overload, overwork, torture, torment, deprive of necessary sustenance, cruelly or unnecessarily beat, cruelly mutilate or cruelly kill, or cause to procure to be so unnecessarily overdriven, overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly or unnecessarily beaten, mutilated or killed, any horse, ox or other animal, shall be punished by a fine of not less than five dollars, nor more than twenty dollars, to be recovered on complaint of any member of the Society for the Prevention of Cruelty to Animals, or by any other person, before any Justice of the Peace in Baltimore City, or before any Justice of the Peace or Judge of any court in any county in this State.

**392.** Every owner, driver or possessor, or person having charge or custody of a maimed, disabled or diseased horse, mule or other animal, who shall cruelly work the same when unfit for work, or cruelly abandon the same, shall be punished in the same manner as provided in section 391.

**393.** It shall be the duty of any Justice of the Peace in the City of Baltimore, or the judge of any court therein, or in any county in this State, before whom is brought for trial any person charged with the violation of any of the provisions of

this sub-division of this Article, to admit the president of the Society for the Prevention of Cruelty to Animals, or the counsel of said society, to aid any State's Attorney in the prosecution of such person.

**394.** Any person who shall keep or use any bull, bear or dog, for the purpose of fighting or baiting the same, or as a target to be shot at, either for amusement or as a test of skill in marksmanship, or who shall be a party to or be present as a spectator at any such fighting, baiting or shooting of any bear, bull or dog, or any person who shall rent any room, shed, ground or premises for the purpose of fighting, baiting or shooting any animal, as aforesaid, shall, upon conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine of not less than fifty dollars, or be imprisoned in the jail of the City of Baltimore, or in the county jail of the county in which the offense may have been committed, for not less than thirty days nor more than ninety days, or be both fined and imprisoned, in the discretion of the court before whom such person may be tried and convicted.

#### DEAF, DUMB AND BLIND.

**395.** It shall be the duty of the Mayor and City Council of Baltimore, on the application of any parent, guardian or next friend (provided such parent, guardian or next friend has been a *bona fide* citizen of this State for at least two years previous to such application) of any deaf and dumb person of teachable age and capacity, not exceeding the age of twenty-one years, to inquire into the age and capacity of said deaf and dumb person, and also into the ability of such person, his or her parent or guardian, to pay the expense of his or her education; and if satisfied by evidence produced that such person is of teachable age, and is endowed with capacity to receive instruction, and that neither person, or his or her parents or guardian is possessed of means to pay for such instruction, then it shall be the further duty of the Mayor and City Council of Baltimore aforesaid to certify the same to the Governor of this State.

**396.** On receiving the certificate of the Mayor and City Council of Baltimore as aforesaid, it shall be the duty of the Governor to authorize the instruction of said deaf and dumb person in the Maryland Institute for the Education of the Deaf and Dumb, located at Frederick, for a term not exceeding seven years; and it shall be the further duty of the Governor, on the certificate of the president of said institution that such deaf and dumb person has been taught at said institution, to order the Comptroller of the Treasury to draw his warrant on the Treasurer of the State for two hundred dollars per annum for each deaf and dumb person taught in pursuance of his authority at said institution, payable to the president thereof, in quarterly payments, on the first days of January, April, July and October in each year; and the Governor shall also order the Comptroller of the Treasury to draw on the State Treasurer his warrant, payable to the proper party, for the expenses necessarily incurred in transporting and returning said deaf and dumb person; *provided*, that the whole amount drawn from the treasury for the purposes aforesaid shall not exceed seven thousand five hundred dollars in any one year; *provided* further, that the Governor shall dispose of applications in behalf of deaf and dumb persons, under the provisions of this sub-division of this Article, in the order in which they may be made; and if the applications be more than sufficient to absorb the foregoing appropriation, he shall suspend the action upon the excess until vacancies occur, or further provision be made by the General Assembly.

**397.** A sum not exceeding twenty-one thousand dollars shall be and is hereby annually appropriated, to be applied, under the direction of the Governor, in placing for instruction in the Maryland Institution for the Instruction of the Blind, such indigent blind persons of the age of nine years and upwards, inhabitants of this State and the county or City from which they are recommended, to the Governor by the county commissioners of each county, or the judges of the Orphans' Court of Baltimore City.

**398.** The recommendation shall state that such blind persons are in such indigent circumstances as to be unable, from

their own resources, or those of their parents, to obtain instruction, and are of good natural capacity.

**399.** The amount per annum paid for any one individual shall not exceed the sum of three hundred dollars, nor the term of instruction eight years.

**400.** The Governor shall report to the General Assembly at each regular session thereof the amount of money expended by him in pursuance of the provisions of this sub-division of this Article, and the names, ages and places of residence of the different applicants.

#### DESTROYING PROPERTY MALICIOUSLY.

**401.** If any person shall maliciously cut, disfigure, mutilate, damage, destroy, or otherwise injure any goods, wares, materials or merchandise intended to be manufactured, made up or converted into garments, wearing apparel or other articles of merchandise, and belonging to any other person, or shall maliciously cut, disfigure or otherwise injure any garments, wearing apparel or other articles of merchandise belonging to any other person, or shall cause the same to be done, or shall by any means cause or incite any person to do the same, upon conviction thereof, before any tribunal of competent jurisdiction, he shall be fined not more than fifty dollars, or be sentenced to imprisonment in the House of Correction for not more than six months, or both fined and imprisoned in the discretion of the court.

#### ELECTIONS—PRIMARY.

**402.** All primary elections hereafter to be held in the City of Baltimore by any political party, which, at the preceding general election polled a sufficient percentage of the vote cast to entitle it to have its candidates placed upon the official ballot by nominations made by primary elections, or by convention, shall be by ballot, and at such time, in such manner, and subject to such rules and regulations as may be prescribed by the regulations, customs and party usages of the political party holding such primary elections, and not inconsistent with the provisions of this Article.



**403.** If any person at any primary election of any political party, held hereafter in the City of Baltimore for the purpose of selecting one or more candidates to be voted for by the people for public office, or for the purpose of selecting delegates to any convention of such political party, shall knowingly personate and vote, or attempt to vote in the name of any other person, whether living, dead, or fictitious, or vote or attempt to vote more than once at any such primary election, or knowingly and fraudulently vote, or attempt to vote at a place where he is not entitled to vote, or by force, threat, intimidation, bribery, reward or offer thereof, unlawfully prevent any person entitled to vote at such primary election, from freely exercising his right to vote thereat, or by any fraudulent means, induce or compel any person entitled to vote to refuse to or abstain from exercising such right, or induce or compel by any fraudulent means any judge or other officers of any such primary election, to receive a vote from any person not entitled to cast such vote, he shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine of not more than two hundred dollars or by imprisonment in jail, for not more than six months, or by both such fine and imprisonment, in the discretion of the court.

**404.** If any judge, or other officer of a primary election shall knowingly and fraudulently receive a vote from any person not entitled to vote, at such primary election, or knowingly and fraudulently refuse to receive the vote of any person entitled to vote at such primary election, or shall fraudulently make, sign, publish or deliver any false tally or return of the result of any such primary election, or any certificate of the result of a primary election, knowing the same to be false, he shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine of not more than three hundred dollars, or by imprisonment in jail for not more than six months, or by both such fine and imprisonment, in the discretion of the court.

**405.** If any person, whether an officer of such primary election or not, shall knowingly and fraudulently put any ballot, or other paper, having the semblance of a ballot, into any bal-

lot box being used, or to be used for receiving the votes at any such primary election, with intent to affect the result of such primary election, during such primary election, and in good faith received as such, or if any person shall, before or during the canvass of ballots at any such primary election, in any manner change, substitute or alter any ballot taken from the ballot box, then being canvassed or about to be canvassed, or shall remove any ballot or semblance thereof from, or add any ballot or semblance thereof to, the ballot taken from such ballot box, and then being canvassed, he shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than three hundred dollars, or by imprisonment in jail for not more than six months, or by both such fine and imprisonment, in the discretion of the court.

**406.** If any oath or affirmation is administered by the judges or other officers of any primary election, to any person or persons, for the purpose of determining the right of such persons, or of any other person, to vote at such primary election, and any person taking such oath shall wilfully and purposely swear falsely in regard to any matter so inquired of, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, be punished by a fine of not more than three hundred dollars, or by imprisonment in jail for not more than six months, or by both such fine and imprisonment, in the discretion of the court.

**407.** One accredited representative of each and every candidate or group of candidates, to be voted for at each primary election, to be designated in writing, by such candidates or group of candidates, and in case of his necessary absence a substitute similarly selected, shall be entitled to be, and remain in full view of the ballot box from the opening to the close of the election, and during the count of the ballots, shall be entitled to take such position as will enable him to scrutinize the ballots as they are counted by the proper officers of the primary election, and a refusal to permit any such duly accredited representative to exercise such rights, shall be a misdemeanor, punishable by a fine not exceeding two hundred dollars, or by imprisonment not exceeding three months, or by both fine and imprisonment, in the discretion of the court.

**408.** If at the place appointed for holding any such election, and when ten minutes after the time fixed for beginning the same have expired, any one or more of the judges so elected shall fail to appear, or appearing, shall not have qualified, the other judges or judge present and qualified shall appoint from among the friends of the candidate in whose interest said judge or judges who failed to appear was or were appointed, some other person or persons having the requisite qualification to act as judge or judges of said election, and administer to him or them the oath or affirmation required in the preceding section, so that there shall always be three judges at such election; and if any or both of said clerks shall fail to appear or qualify within the time aforesaid, the judges of election of said ward shall appoint from among the friends of the candidate in whose interest said clerk was appointed, one or both clerks, as the case may be, having the requisite qualifications, and qualify them to act as such; no votes shall be received by said judge or judges until the number of judges and clerks shall have been completed and qualified as provided under the provisions of this sub-division of this Article.

**409.** No person shall vote at any such election who is not a duly qualified and registered voter in the ward where he offers to vote, and has not also the qualifications prescribed and published as hereinbefore required by the managing convention of the political association or party under whose authority the election is called.

**410.** It shall be the duty of the executive committee of the managing convention of the political association under whose authority such election is called, to furnish to the Board of Police of said City, a ballot-box for each ward, containing a poll book, a printed copy of this law, and of the resolutions and rules adopted by said managing convention for the conduct of the election, and a copy of the registration lists of the ward, duly certified by the Clerk of the Superior Court; the said clerk being required to furnish such certified copies to any such executive committee upon demand, and upon the payment of the usual fees; and it shall be the duty of the said Board of Police to cause the said ballot-boxes to be delivered immediately

before the opening of such election, to the judges of election of each ward, at the respective polling places; before any ballot shall be received, the ballot-boxes shall be inspected by the judges of election in the presence of any persons who may choose to attend, and placed in a conspicuous position, in full view of persons outside the polling place, and shall not be moved nor unlocked until after the election is over and the votes are to be counted.

**411.** The said judges of elections shall have power to examine under oath, to be administered by them, any person offering to vote at any such election, touching his qualifications and right to vote; but before such examination it shall be their duty to take from him the ballot which he shall tender, and in case of the rejection of the said ballot they shall not put said ballot in the ballot-box, but preserve it and all other rejected ballots, and return them with the names and residences of the persons offering them, endorsed on the back thereof, in a sealed package, to the president of the managing convention, to be kept by him in the same manner as legal ballots are hereinafter required to be kept.

**412.** Every voter shall deliver to the judge or judges of election of the ward in which he offers to vote a ballot on which shall be written or printed the name or names of the person or persons voted for, and the position for which the vote is given plainly designated; and the ballots so delivered to and received by the judges of election shall be deposited in the ballot-box until the poll is closed.

**413.** It shall be the duty of the said clerks of election to enter the name and residence of each person who casts a vote at said election, plainly in the poll book, and also to perform such other duties as are prescribed by this sub-division of this Article to be by them performed.

**414.** No person shall be permitted to be in the room selected as the polling place of the ward during the time any such election is being held, except the judges, clerks and such police officers as may be designated to attend thereat by the Police

Board, upon request made to said board in writing by the executive committee of the City convention of the party holding the election; after the election is closed any candidate, or a person designated by him, and such other persons whom, in the judgment of the judges of election, it may be proper to admit, to guarantee the fairness of the count, shall be entitled to be present during the counting of the ballots.

**415.** When the poll shall be closed, the box wherein the ballots are deposited shall immediately thereafter be opened by the judge or judges of election, and the said judge or judges shall publicly, in the presence of the persons designated in the preceding section, carefully take out the said ballots and read distinctly and aloud the name or names written or printed thereon, respectively, and the clerks of said election shall carefully enter and keep an account of the same on the poll book, so that the number of votes for each candidate tallied thereon may be readily cast up and known.

**416.** If upon opening any of said ballots there be found any more names written or printed thereon than there ought to be, or if any two or more of such ballots be deceitfully folded together, or if the purpose for which the vote is given is not plainly designated thereon, such ballot shall be rejected and not counted.

**417.** As soon as the ballots shall be read off and counted, and the number for each candidate reckoned up and ascertained, the judge or judges of election shall make out, under his or their hands, attested by the clerks of election or one of them, on the poll book, a plain, fair and distinct certificate of the number of votes which shall have been then and there given for each candidate, distinguishing the station or office for which he has been voted; such certificate to be as near as possible in the form of the like certificate required from the judges of election under the general election law of this State.

**418.** The return judges of election shall return, on the day following the day on which any election shall be held under this law, before twelve o'clock, noon, the ballots cast and the

ballots rejected at such election, in separate sealed packages, and the poll books and certificates aforesaid, to the presiding officer of the managing convention of the political association or party under whose authority the election was called; who shall immediately thereupon publicly announce the result; such packages shall be destroyed after the expiration of thirty days, by said presiding officer, without breaking the seal unless they are, before that time, demanded by the executive committee of such managing convention, to be used as evidence in cases of contest among any of the candidates at such election.

**419.** The executive committee of any such managing convention shall have full power to hear and determine all questions of contest between any candidates voted for at such election, and to prescribe the rules to govern all such contests, and may demand and receive for such purpose from the presiding officer of such convention, the poll books, certificates and ballots returned to him by the judges of election; and for such purpose shall have power to summon witnesses and examine them under oath, to be administered by the acting chairman of such committee.

**420.** It shall be the duty of the return judges of said election, immediately after each election at which he has acted as such, to appear before the Grand Jury of the Criminal Court of Baltimore, to be examined touching any and all violations of the provisions of this sub-division of this Article, of which he may have personal knowledge, to have been committed at such election, or to furnish to said Grand Jury, before their adjournment, his or their certificate, signed by him, and under oath made and certified before a Justice of the Peace of said City, that he did not know and had no reason to believe that any such offences had been committed at such election, which certificate shall be returned by the Grand Jury to the said court, and preserved and recorded by the clerk thereof.

**421.** The return judges at any such election shall each receive five dollars *per diem*, and the other judges and clerks of election, two dollars and a-half *per diem*, for their respective services, to be paid by and recoverable from the members of

the executive committee of the managing convention of the political association under whose authority the election was called.

**422.** If at any election held under the terms of this sub-division of this Article, any person knowingly personates any voter, or votes in the name of any other person, whether living, dead or fictitious, or votes more than once at the same election for any candidate for the same office, or votes without having a lawful right to vote, or unlawfully prevents any qualified voter from freely exercising his right to vote, or interferes in any manner with any judge or clerk of such election in the discharge of his duties, he shall be guilty of a misdemeanor, and punished, upon conviction, by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days.

**423.** If any judge or clerk of election shall fraudulently make any false certificate of the result of such election, or withhold, conceal or destroy any such certificate of any election returns, tally lists or poll book, or take unlawfully from the custody of the judges of election, or destroy any ballot-box, or withdraw therefrom illegally any ballot or ballots which have been deposited therein, or attempt or commit any violence against any person having lawful charge of the same, or against any judge or clerk of election in the discharge of his duty as such, he shall be guilty of a misdemeanor, and punished, upon conviction, by a fine of not more than one hundred dollars, or by imprisonment of not more than thirty days.

**424.** A substantial compliance with the requirements of this sub-division of this Article is all that shall be required to be proven in the prosecution of any person violating the provisions of the preceding sections.

**425.** No expense shall be incurred by the City of Baltimore in the conduct of any elections held under the provisions of this sub-division of this Article.

## EXAMINING ENGINEERS.

**426.** The Governor shall biennially appoint, in and for the City of Baltimore, two engineers who have had not less than ten years' practical experience in running steam engines, boilers and appliances pertaining to stationary or portable engines, and who have been residents of this State for not less than five years next preceding the date of their appointment, who shall constitute and be known as the "Board of Examining Engineers." The parties so appointed, before entering on their duties, shall make oath before a Justice of the Peace that they will faithfully perform the duties of their office without fear, partiality or favor; and that they will not, during their term of office, accept any money, gift, gratuity or consideration from any person, and shall give bond to be approved by the Comptroller of the State, in the sum of three thousand dollars each, for the faithful discharge of their duties; and before entering on said discharge of their said duties, the said inspectors shall provide themselves with an office in a proper location in the City of Baltimore, and shall give notice by publication for at least five days through the two daily papers having the largest circulation in said City, of the time and manner in which they will make the examinations hereinafter provided for.

**427.** The said board shall have general supervision of all stationary engineers within the City of Baltimore; it shall be their duty to examine all engineers of the age of twenty-one years or upward, who shall apply to them for examination; and to give to all parties so examined a certificate of proficiency, if found proficient, and to refuse to give such certificate if not found proficient; and the parties so receiving such certificate shall pay to said board the sum of three dollars for each certificate so issued, and for all renewals of all grades the sum of one dollar and fifty cents; said certificates shall be of three grades; a certificate of the first grade will permit the holder thereof to take charge of any plant of machinery from one to five hundred horse-power, and the third grade to take charge of any plant of machinery from one to thirty horse-power; and the said certificate shall run for the term of one year, and shall be renewed annually, the term of beginning of said certificate to



be from the date of the examination of the respective applicant; *provided*, that no engineer having such certificate shall have charge of more than one plant of machinery at the same time unless said plant be of the same company and at one and the same place; and no substitute who has not been examined and received the certificate aforesaid shall be placed in charge of machinery by an engineer who has.

**428.** All persons of twenty-one years of age or upward who, after the adoption of this Article, shall desire to fill a position as a stationary engineer, must make application to the "Board of Examining Engineers" for examination and certificate of proficiency, before he can pursue his avocation as such engineer; *provided*, that any engineer employed as stationary engineer at the works of any steam railway, or any engineer employed as such with any stationary engine, who at the time of the adoption of this Article shall have been employed at the same place for the term of six months or more, shall not be required to apply for such examination and certificate; but whenever such engineers shall remove from the place where so employed they shall be, and are hereby required to make application for examination and certificate to said Board of Examining Engineers as hereinbefore provided; and *provided* further, that the provisions of this section shall not apply to persons running engines and boilers in sparsely settled country places, where not more than twenty persons are engaged in work about such engines and boilers, nor to engineers running country saw and grist mills, threshing machines and other machinery of a similar character, nor to marine engineers engaged in steamboats, ships and other vessels run by steam, nor to those engaged as locomotive engineers of any steam railway company. And in the event of any charge being made to said board, of any engineer who may hold a certificate from them, of being intoxicated, while in charge of an engine or boiler, or of the neglect of duty on the part of such engineer or engineers, it shall be the duty of said board to immediately hear such charge, and if sustained, annul such certificate. The certificate granted to the respective applicants must be framed and kept in a conspicuous place at such place as such persons may be respectively at work. Any person violating the provisions of this

sub-division of this Article shall be deemed guilty of a misdemeanor, and, upon trial and conviction before a Justice of the Peace, shall be fined not less than twenty-five dollars nor more than fifty dollars, one-half of which shall be paid the informer and the balance to the State.

**429.** Said Board of Examining Engineers shall meet at their office in the City of Baltimore for the purpose of examining applicants at least once in every week, and at a specified hour and day, and shall sit until all applicants shall be examined, and in the event of inability to examine all the applicants on the regular day of meeting, they shall continue their sessions for each successive day until the same shall be completed. They shall visit and inspect the running and management of all steam plants wherein the engineers are required to be examined as hereinbefore provided, not less than once every six months, and in the event of their finding on such examination that the engineer or engineers in charge of such plant or machinery are not running and managing the same with proper skill and care, they shall report the same to the State Board of Boiler Inspectors for their action; and said Board of Examining Engineers are hereby invested with power and authority to enter all such premises and make the examination herein provided for; and any owner of any such premises who shall refuse to allow them to enter and make such examination shall be deemed guilty of a misdemeanor and be punishable upon trial and conviction, as provided in the preceding section.

**430.** The said Board of Examining Engineers shall receive an annual salary of fifteen hundred dollars each, and shall have power to employ a clerk or secretary at a salary not exceeding the sum of one thousand dollars per annum, and such expense shall be allowed said board as shall be incurred in traveling expense, office rent, stationery and printing, and for which they shall produce to the Comptroller of the State Treasury, proper vouchers; *provided*, however, that no appropriation shall be made and no moneys paid by the State Treasurer to said board for or on account of said salaries and expenses, but that the same shall be paid to them by and from the fees received for the examination and certificates hereinbefore provided for; and

*provided* further, that the said board shall keep a strict account of all fees received for such purposes, and quarterly, under oath or affirmation, return said statement to the Comptroller of the State Treasury; and whenever the amount is in excess of the salaries and expenses hereinbefore provided for they shall forward such excess to said Comptroller, and they shall keep a certificate book with the certificates therein duly numbered and of which to each certificate there is a corresponding stub to be filled in to correspond in all respects to the certificate issued, and subject to the inspection of the Comptroller, when he may deem the same necessary.

#### FERRIES.

**431.** The Broadway and Locust Point Steam Ferry Company of Maryland is created to establish a steam ferry, suitable to transport passengers, goods, wagons, carriages, live-stock or any other transportable article, across, over and within the harbor of Baltimore; and the said corporation is made capable of erecting wharves, buildings, or any other contrivances necessary or convenient for the conduct of the business of the ferry, for which purpose the said corporation is authorized to purchase, hold, sell, rent or lease land. And the said company is authorized and empowered to hold and use as a wharf or landing, for the use of said ferry, the end of the wharf commonly known as the County wharf, together with a right of way in common with others, through the centre of said wharf, of the width of ten feet, as a thoroughfare for travel to and from the end of said wharf; and all the remainder of the border sides and surface of the said wharf, except the end and right of way granted, is reserved exclusively for the landing of such fruits, vegetables and other agricultural products as may be brought from the counties to the City of Baltimore, for sale or otherwise.

**432.** The said corporation is authorized and empowered to occupy and use the wharf at the foot of Haubert street, in the City of Baltimore, as a wharf or landing place for the ferry boats of said company, in exclusion of all other steam ferry boats plying in the harbor of said City.

**433.** It shall not be lawful for any steam ferry boat, other than one of those belonging to the said Broadway and Locust Point Steam Ferry Company of Maryland, to land at or use either of the sides or the end of said wharf at the foot of Hubbard street, nor the end or either of the sides of the wharf at the foot of Broadway, mentioned in section 431 of this Article; and any and every person in charge, control or command of any steam ferry company, other than a boat belonging to the said company, who shall use or attempt to use the ends or either of the sides or any part of the wharves mentioned, for a landing place or wharf for the steam ferry boat so in his charge, control or command, shall each be subject to, and shall pay a fine of twenty-five dollars for each and every time the said steam ferry boat so in his charge, control or command of such person shall touch at either of the wharves aforesaid, which fines shall be enforceable and collectible according to law.

**434.** The said company is authorized to erect gates and ticket houses on the wharves at the foot of Broadway and Hubbard street in said City of Baltimore.

**435.** The said corporation shall keep and run on their ferry routes two good and substantial steam ferry boats, staunch and seaworthy, and supplied according to the law in such cases made and provided; and the said corporation shall so manage the said ferry as that one of their ferry boats shall leave each end of said ferry at least every ten minutes, between the hours of six o'clock A. M. and eight o'clock P. M., and at intervals of twenty-five minutes between the hours of eight o'clock P. M. and twelve o'clock midnight.

**436.** The said corporation shall not charge any greater sums than are contained in the following scale of prices, to wit: For one passenger, five cents; for one horse, mule or ass, and rider or driver, ten cents; for one cow and driver, ten cents; for every swine, three cents; for every sheep, two cents; for every calf, two cents; for every heifer, three cents; for one horse, cart and driver, fifteen cents; for two horses, cart and driver, eighteen cents; for one horse, wagon and driver, fifteen cents; for

two horses, wagon and driver, eighteen cents; for every additional horse to those above enumerated, harnessed to a wagon or cart, three cents; for every two-seated carriage and two horses, fifteen cents, for every four-seated carriage and one horse, twelve cents; for every four-seated carriage and two horses, twenty cents; for every additional horse to those above enumerated, harnessed to a carriage, five cents; for one lumber wagon and one horse or two horses, twenty-five cents.

**437.** Firemen in actual discharge of their duties, together with their apparatus, accoutrements and horses, police officers in the actual discharge of their duties, and all funerals, shall pass free.

#### FINES AND FORFEITURES.

**438.** One-half of all fines adjudged by and accruing in the Criminal Court of Baltimore, when secured by the Sheriff of Baltimore City, shall be paid to the Mayor and City Council of Baltimore, and out of said fines the judge of said court may order and direct to be paid to the State's Attorney of said City such additional fees in cases of extraordinary duration and trouble, as he may deem just and reasonable, but this section shall not have any effect upon the rights of informers.

**439.** The Sheriff of Baltimore City shall, on or before the first day of December in each year, divide equally all fines imposed by the Criminal Court of Baltimore City on persons convicted for keeping houses of ill-fame, among such incorporated dispensaries of said City as shall comply with the provisions of the succeeding section.

**440.** Such fines shall be divided equally among those incorporated dispensaries which shall, within ten days after the tenth day of November in each year, file in the office of the Sheriff of Baltimore City separate reports, the truth of each of which shall be sworn to by one of the officers of the dispensary filing the same, before any officer of the State of Maryland authorized by law to administer oaths, showing that in the year preceding such tenth day of November, the said dispensary had under its charge more than two thousand separate persons as patients, and that its said dispensary was open for the treat-

ment of disease two hours daily, and for the free distribution of medicine to the poor six hours daily on each week day and two continuous hours on each Sunday in said year.

**441.** In case said fines shall not be claimed by any such dispensary in the manner specified in the two preceding sections, then said fines shall be paid by the Sheriff to the Mayor and City Council of Baltimore.

**442.** The said Sheriff's official bond shall be responsible for the faithful payment of said money as hereinbefore provided, and shall be liable for any default in any duty herein required to be performed by him.

**443.** No person shall hereafter be allowed to give security for the payment of any fine and costs imposed by the Criminal Court of Baltimore, but any person who shall be sentenced by the court to the payment of any fine and costs shall stand committed until they are paid ; *provided*, that if such fine and costs are less than ten dollars, the person so sentenced shall be discharged from custody at the end of thirty days from the date of their imposition, if no imprisonment has also been ordered by the court, or at the end of thirty days from the expiration of the time for which said person shall have been ordered to be imprisoned, upon sufficient proof shown to the court that the person imprisoned is unable to pay the said fine and costs; and *provided* also, that if the said fine and costs are more than ten and less than fifty dollars, the person so imprisoned shall be discharged from custody at the end of sixty days from the imposition thereof, if no imprisonment be ordered by the court, or at the end of sixty days from and after the expiration of the time for which said person has been ordered to be imprisoned, on proof shown of his inability to pay said fine and costs; and *provided* also, that if the said fine and costs exceed the sum of fifty dollars, the person so imprisoned shall be discharged from custody at the end of six months from the imposition thereof, or from the expiration of the term for which he was ordered to be imprisoned, on proof shown of his inability to pay.

**444.** When any fine or penalty is imposed by any Act of Assembly of this State, or by any ordinance of any incorporated city or town in this State, enacted in pursuance of sufficient authority, for the doing of any act forbidden to be done by such Act of Assembly or ordinance, or for omitting to do any act required to be done by such Act of Assembly or ordinance, the doing of such act, or the omission to do such act, shall be deemed to be a criminal offence; such offence, in the City of Baltimore, shall be prosecuted by the arrest of the offender for such offence, and by holding him to appear in or committing him for trial in the Criminal Court of Baltimore, at the Saturday sessions of said court, which said court shall have jurisdiction in the said cases, and shall proceed to try or dispose of the same in the same manner as other criminal cases triable at the Saturday sessions of said court may be tried or proceeded with, or disposed of, or such offence may be prosecuted by indictment in such court; such offences in any county of this State shall be prosecuted by the arrest of the offender for such offence, and by holding him to bail to appear in or committing him for trial in the Circuit Court for the county in which such offence was committed, or by indictment in the Circuit Court for such county for such offence. If any person shall be adjudged guilty of any such offence by any court having jurisdiction in the premises, he shall be sentenced to the fine or penalty prescribed by such Act of Assembly or ordinance, and to the costs of his prosecution, and in default of payment thereof he shall be committed to jail until thence discharged by due course of law; any indictment for the violation of any ordinance of any incorporated City or town of this State may conclude "against the form of the ordinance in such case made and provided, and against the peace, government and dignity of the State."

#### FIRE.

##### *Fire Department.*

**445.** The Mayor and City Council of Baltimore is hereby directed to appropriate annually such sums of money as shall be sufficient to pay the pensions of such members of the Fire Department as shall heretofore have been put upon said pension roll, and as shall thereafter be put upon said pension roll,

in accordance with the provisions of this Article; and also to appropriate such sums of money as may be sufficient to afford relief to the widows and children of firemen killed in the discharge of duty.

**446.** Any person who shall wilfully destroy or injure any engine, hose, reel or other apparatus whatever for the extinguishment of fires, belonging to any company in the City of Baltimore, or to the said City, shall be guilty of felony, and upon conviction thereof shall be sentenced to confinement in the penitentiary for a period not less than two nor more than five years.

**447.** Any person who shall assault, beat or otherwise intentionally hurt or injure any fireman of the City of Baltimore, whilst in the discharge of his duties as fireman (except in self-defence), shall, upon conviction thereof, be sentenced to imprisonment in Baltimore City Jail for a period not less than one month, and the payment of a fine of not less than ten nor more than one hundred dollars.

**448.** The Mayor and City Council of Baltimore is hereby authorized and empowered to appropriate annually the sum of one thousand dollars, to pay for the use of a suitable building to be occupied by the members of the veteran volunteer firemen's association of Baltimore City.

#### *Illuminating Oils and Fluids.*

**449.** All oils or fluids manufactured from petroleum or its products, used for illuminating purposes in this State, which shall be manufactured or kept for sale therein, shall be required to stand a fire test of one hundred and ten degrees Fahrenheit before it shall burn, to be ascertained by Tagliabue's coal oil tester, or some other instrument constructed upon the same principle.

**450.** Every person manufacturing or selling illuminating oils or fluids, manufactured from petroleum or its products, by the barrel, shall be required to have stamped upon the head of



the barrel the name of the manufacturer thereof and his place of business, together with the words "warranted to stand a fire test of one hundred and ten degrees Fahrenheit before it shall burn."

**451.** Whoever manufactures for illuminating purposes, or sells in quantities not less than a barrel, oils or fluids made from petroleum or its products, which does not sustain the fire test as provided in section 449, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not more than one thousand dollars, or imprisoned in the jail or penitentiary not more than two years, in the discretion of the court. Whoever sells in quantities less than a barrel, for illuminating purposes, oils or fluids made from petroleum or its products, which does not sustain the fire test provided for in section 449, shall forfeit said oil, and be fined not less than five nor more than twenty dollars; said fine to be collected as other fines are now collected, one-half to go to the informer, the other to be paid into the treasury of the State.

**452.** Any purchaser of oils or fluids made of petroleum or its products, for illuminating purposes, bearing the stamp required in section 450, and which does not stand the fire test required in section 449, may recover from the seller in an action for debt an amount equal to double the purchase money of said oil.

**453.** Any accident by reason of explosion, occurring with any oil or fluid manufactured from petroleum or its products, shall subject the seller thereof to prosecution for a misdemeanor, and upon conviction thereof in a court of competent jurisdiction, to a fine not exceeding one thousand dollars, nor less than five hundred dollars; one-half of said fine to be paid to the informer and the other half to the State.

**454.** In case of seizure or confiscation of oils or fluids manufactured from petroleum or its products, as provided in section 451, the party who has sold such oils or fluids shall have the privilege of referring the same to some commissioned in-

spector recognized by the oil trade of Baltimore, whose decisions shall be *prima facie* evidence of the quality of said oil or fluid.

**455.** If any inspector of oils shall be convicted in a court of competent jurisdiction of furnishing a false report of the fire-test of any oil submitted to his inspection, he shall be liable to a fine of not less than five hundred dollars nor more than two thousand dollars, at the discretion of the court; said fine to be paid into the treasury of the State.

**456.** The provisions of the seven preceding sections shall not apply to oils or fluids manufactured from petroleum or its products for the purpose of exportation or for use in street lamps.

#### FISH.

**457.** No person shall expose for sale, or have in his possession, offering for sale, any striped bass or rock weighing less than one-half pound each, or any white perch weighing less than one-quarter of a pound each; any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction by a court of competent jurisdiction shall be fined not more than twenty dollars or be confined in jail not more than thirty days, or both, in the judgment of the court.

#### GAS COMPANIES.

**458.** No gas companies shall be formed in Baltimore City, Baltimore County or in Anne Arundel County, except in the City of Annapolis.

**459.** No gas companies chartered in any other counties of the State shall have the right to lay mains or sell gas in Baltimore City, Baltimore County or Anne Arundel County.

**460.** All charters for gas companies which have been granted or issued under the Code of Public General Laws, or any other law, in Baltimore City, Baltimore County, or Anne

Arundel County, are repealed, annulled and made void, except in cases where the companies incorporated by any of such charters have erected works and commenced the manufacture of gas.

**461.** No corporation or person shall charge for illuminating gas in Baltimore City a sum to exceed one dollar and twenty-five cents per thousand cubic feet.

**462.** The illuminating gas furnished by any such corporation or person shall have an illuminating power not less than twenty sperm candles of six to the pound, and burning at the rate of one hundred and twenty grains of spermaceti per hour, tested at a distance of not less than one mile from the place of manufacture by a burner consuming five cubic feet of gas per hour, and shall, as regards purity, comply with the standard now or hereafter established by law.

#### HARBOR, DOCKS AND WHARVES.

##### *Harbor.*

**463.** No wharf shall be run out, made, altered, enlarged or extended so as to divert the course of the channel, obstruct the harbor or basin, or to the injury of the same; and no person shall make, alter or extend any wharf without laying before the Harbor Board a plan of said wharf, and obtaining the consent of the said Harbor Board.

**464.** If any person shall violate the provisions of the preceding section, the Mayor and City Council of Baltimore may recover, by a warrant before a Justice of the Peace, a sum not exceeding two hundred and fifty dollars, and may forthwith cause the said wharf to be demolished.

**465.** The Harbor Master of the port of Baltimore may demand from the captain or commander of every foreign vessel coming into said port for the purpose of trade and commerce, the sum of five dollars, as an additional compensation for his care and diligence in the regulation of the harbor and providing a proper station for said vessel.

**466.** He may, in case of delay or refusal to make such payment, sue for and recover the same before a Justice of the Peace as small debts are recovered.

*Docks.*

**467.** The Mayor and City Council are vested with the right and title to any land made or to be made by them out of the water in making and completing the improvements of the City dock, according to the plan heretofore adopted by them; *provided*, that nothing contained in this section shall be construed to interfere with the vested rights of individuals.

**468.** If any vessel shall be lying in Smith's dock, Frederick street dock or any other dock in said City, or the entrance thereto, so as to obstruct any vessel which shall be coming into the same, or moving from one place to another therein, or going out of the same, the vessel so obstructing shall be removed to such place as shall be directed by the Harbor Master of the district, or any police officer of Baltimore City, to give room to the passing vessel, under the penalty of five dollars for refusal so to remove, and at the rate of five dollars an hour for the delay which shall be occasioned to the passing vessel, unless in cases where some unavoidable casualty may make it impracticable to remove said obstructing vessel; and if a vessel, when moving to make room for another, be obstructed by any vessel, the master or owner of such obstructing vessel shall forfeit five dollars for such obstruction, and at the rate of five dollars per hour during the continuance of such obstruction, to be recovered by the master or owner of the passing vessel aforesaid; *provided*, the said Harbor Master or police officer shall have directed said removal; but nothing herein contained shall give to the Harbor Master or police officer any control, except in cases of dispute, when called in.

**469.** No vessel shall enter Smith's dock or any other private dock without first ascertaining whether there is a vacant place at the wharf where she can lie, under a penalty of five dollars, to be paid to the Harbor Master for the use of the City; and all vessels which shall be found obstructing

the passage of said docks shall remove, when requested by the Harbor Master of the district or any police officer of Baltimore City, in such manner as will afford a free and unobstructed passage to any passing vessel, under a penalty of five dollars for refusal to remove, and five dollars per hour for each hour they shall obstruct such passage, after due notice shall have been given to master, owner or person in charge of such obstructing vessel, by such Harbor Master or police officer.

**470.** If any vessel be lying at any private wharf and not engaged in loading or unloading, such vessel shall be removed when requested by the owner of such wharf or his agent; and if the person in charge of such vessel refuses or fails to remove such vessel, said owner or his agent may call upon the Harbor Master or police officer to notify the person in charge of the vessel to remove, and if the notice is not complied with within five hours such person shall be liable to a penalty of fifty dollars, and a further penalty of five dollars for each hour such vessel shall remain after the expiration of the five hours; and the Harbor Master shall collect for the use of the Mayor and City Council of Baltimore the sum of five dollars, to be paid by the owner or person in charge of such vessel, to be recovered as other small debts are recovered; the term vessel in this and the two preceding sections shall include boats, scows and arks.

**471.** The penalties imposed by the three preceding sections may be recovered as small debts before any Justice of the Peace for the City of Baltimore, from the master, owner or person in charge of the obstructing vessel, for the use of the master, owner or person in charge of the vessel obstructed; but such penalty shall not be recoverable where the obstruction proceeds from any unavoidable cause.

*Wharfinger and Wharves.*

**472.** No person shall land any wood or lumber on Pratt street wharf, between Light street and Franklin lane; and the Mayor shall enforce the provisions of this section.

**473.** If any person shall violate the provisions of the preceding section he shall be subject to a fine of twenty dollars, one-half to the informer and the other half to the State.

**474.** The said fine may be sued for and recovered in the name of the State before any Justice of the Peace for said City, in the same manner as small debts.

**475.** It shall be the duty of every Justice of the Peace for said City to make an annual return to the State Treasurer, of all fines imposed under the provisions of the foregoing section, and to receive and pay over the same at the time of making said return.

**476.** The Mayor and City Council may regulate by ordinance the time during which any goods, wares, merchandise or other articles may remain on any wharf belonging to the City, or on any of the public wharves other than wharves belonging to or rented by the State, and that part of Pratt street wharf reserved for the use of the State, within the said City, or the time which the vessels, boats or scows taking in or discharging such goods, wares or merchandise shall remain at said wharves, and may regulate, establish and collect for the use of the City such wharfage as they may think reasonable, upon any goods, wares, merchandise or other articles handled at or upon and shipped from any of such wharves.

**477.** Any person who shall charge, exact or receive more than six and a quarter cents upon each cord of wood landed upon any wharf in the said City shall, upon complaint and conviction thereof before any Justice of the Peace for said City, be fined not less than five nor more than ten dollars in each case; one-half to the informer and the other half to the State; to be recovered as fines imposed by the courts of this State.

• **478.** Any person carrying wood to Baltimore for sale may land the same upon the State wharves whenever permitted to do so by any Tobacco Inspector in the warehouse to which the wharf is attached; but such permission shall not interfere with that portion of the public wharves set apart for the use of boats laden with tobacco.

**479.** The person landing wood upon the public wharves under the preceding section shall pay the Tobacco Inspector the sum of six and a quarter cents a cord, to be by the said inspector paid into the State treasury, and the inspector shall be allowed twenty per cent. upon the money so received and paid into the State treasury.

*Harbor Board.*

**480.** The Harbor Board shall have full control and management of the ice boat Annapolis, belonging jointly to the State of Maryland and the City of Baltimore, subject to the orders of the Governor of the State, for the use of said boat for the public service.

**481.** The said Board is hereby authorized to appoint, in conformity with the provisions of section 88 of this Article, at such reasonable rates of pay as it may determine, and at its pleasure to discharge, such officers and crew as may in its judgment be deemed necessary for the proper operation and maintenance of said boat at all times.

**482.** The said Board shall employ the said boat, primarily, for the purpose of preventing obstruction by ice to the navigation of Baltimore harbor, and the ship channels leading thereto, and for the relief of vessels in distress, bound to or from the port of Baltimore.

**483.** The Board is further authorized to use the said boat (or at its discretion the ice boat Latrobe) in the relief from obstruction by ice of any of the harbors or channels of the Chesapeake bay or its tributaries, when such service can be rendered without detriment to the commerce of the port of Baltimore, and for any other service which the said Board may deem advantageous to commerce and the public interest; the Board may charge such reasonable rates for towage, or relief of vessels, as it may deem proper, having in view the public and private interests and facilities of commerce, and the sum received for same shall be applied to the expense of the boat.

**484.** The annual expenses of maintaining and operating said ice boat shall be paid by the Mayor and City Council of Baltimore.

**485.** The said Board shall in its annual report to the Mayor and City Council of Baltimore embody statements of the operations of, and the receipts and disbursements for the said ice boat, and shall send copies of the same to the Governor and Comptroller of the Treasury of the State.

#### HEALTH.

##### *Nuisances.*

**486.** Whenever any nuisance dangerous to the health of the City shall exist in any street, lane or alley of the City, and it shall be found necessary, in order to the removal of the same, to have such street, lane or alley paved, the said City may order the same to be paved, and may recover the amount expended in paving the same, and the expenses of collection from the owner of the property fronting thereon, in proportion to the amount expended in front of said property, by suit against the owner.

**487.** The said owner may in such action defend himself against any such claim for expenses of paving and the collection thereof by proof that no such nuisances existed, or that the paving of the said street, lane or alley was not necessary to the removal or abatement thereof, or that such nuisance was caused by an act or ordinance of said City, or its officers in the execution of their duty.

**488.** The expenses of such paving, and the expenses incident to the collection thereof, shall be a lien upon the property chargeable therewith; and when the right of the City to recover the same has been determined, the City may levy such expenses upon said property.

**489.** If any of the said property shall be owned by persons not resident within the limits of said City, then, after public notice given at least three times a week for three successive



weeks in two newspapers of the City, by advertisement, describing the property chargeable, the amount of expense with which it is chargeable, and if known, the name of the owner thereof, the City may proceed to levy said expenses upon the interest of such non-resident in said property, without any previous suit to determine their right to the same.

**490.** Such non-resident may, at any time within three months after said expenses have been levied and collected, institute an action against the City for the recovery of the same; and if it shall appear in such action that public notice was not given as hereinbefore directed, or that no such nuisance existed, or that the paving of said street, lane or alley was not necessary to the removal or abatement thereof, or that the same was caused by an act or ordinance of the City, or by its officers in the execution of their duty, such non-resident shall recover the expenses of paving and collection so levied upon his property.

**491.** Whenever any nuisance dangerous to the health of the City shall be found upon any vacant lot within the City, the City may remove or abate the same, and shall have the same remedy against the owner of such lot, for the expenses of so doing, as is given in the five preceding sections against the owners of lots fronting on streets paved, to remove a nuisance; and the owner of such vacant lot shall have the same rights and remedies therein given to the owners of lots fronting on streets so paved.

**492.** Whenever the Commissioner of Health shall certify in writing to the Mayor that it is necessary for the health of the City to alter the grade of any street, lane or alley on low or made ground, the Mayor shall proceed to act in the manner specified in this Article relating to streets.

#### *Chemical Laboratories.*

**493.** No person shall erect or assist in erecting any chemical laboratory within the limits of said City without the consent of the City, and the City may provide by ordinance for

preventing the erection of any such laboratory, and for removing or preventing the use of any that shall be erected.

*Commissioners of Pharmacy and Practical Chemistry.*

**494.** The term or name pharmacist in the meaning and scope of this sub-division of this Article does mean, embrace and apply to all persons engaged in vending, at retail, drugs, medicines and chemicals for medicinal use, and in compounding and dispensing physicians' prescriptions, either as owners of stores, as managing assistants, or as relief clerks in temporary charge of stores.

**495.** Any person who, after the passage of this Article, does or shall vend at retail poisonous drugs for medicinal use, or compound or dispense physicians' prescriptions in the City of Baltimore, without complying with the requirements of this sub-division of this Article, shall be deemed guilty of a misdemeanor, and be subject to a penalty or fine of fifty dollars for each and every week he shall continue to vend, at retail, poisonous drugs for medicinal use, or compound or dispense physicians' prescriptions in violation of this sub-division of this Article ; said penalty or fine to be sued for in the name of the State of Maryland before a Justice of the Peace, as small debts are now recoverable; said penalty or fine to go to the Maryland Board of Pharmacy, appointed under this sub-division of this Article, to be used as a fund for carrying out the provisions of this sub-division of this Article ; and it shall be the duty of the State's Attorney of the City of Baltimore, at the request of said Board of Pharmacy, to prosecute any person who shall have violated any requirement of this sub-division of this Article; *provided*, that nothing in this sub-division of this Article shall be so construed as to prevent any practicing physician from supplying medicines in connection with professional practice, nor to restrict the sale at retail of patent and proprietary medicines and compounds prepared and compounded for medicinal use, by wholesale dealers in drugs and medicines, when sold in the original package, box or bottle ; and no penalty shall hereafter be enforced against any person for the sale of patent or proprietary medicines or compounds

prepared by wholesale dealers in drugs and medicines when sold as aforesaid ; and no penalty shall hereafter be enforced against any person for the sale of proprietary or patent medicines or drugs other than poisonous.

**496.** The Maryland College of Pharmacy shall nominate biennially, of the most skilled and competent pharmacists of the City of Baltimore, ten persons, from amongst whom the Governor shall appoint three commissioners, whose duty it shall be to faithfully and impartially execute or cause to be executed all the provisions and requirements of this sub-division of this Article. They shall upon application, and in such manner and at such place as they may determine, examine each and every person who shall desire to engage in vending, at retail, drugs, medicines or chemicals for medicinal use, or in compounding and dispensing physicians' prescriptions in the City of Baltimore, touching his competency and qualifications; and upon being satisfied that the person so examined is competent and qualified to vend, at retail, drugs, medicines and chemicals for medicinal use, and compound and dispense physicians' prescriptions safely, and without jeopardy to the health and lives of the people of the City of Baltimore, they or any two of them shall grant such person a certificate of competency, and register him as a pharmacist.

**497.** The commissioners appointed under this sub-division of this Article shall be styled and known as the Commissioners of Pharmacy and Practical Chemistry, and shall hold office for two years, and thereafter until their successors have been appointed and have qualified. Said commissioners shall, within thirty days after notification of their appointment, each subscribe to an oath before the Clerk of the Superior Court of Baltimore City, to impartially and faithfully discharge the duties prescribed by this sub-division of this Article.

**498.** The position of any commissioner appointed under this sub-division of this Article, who shall fail to so qualify within the time and in the manner named, shall be vacant. The Governor shall fill all vacancies occurring from amongst the persons nominated by the Maryland College of Pharmacy under section 496 of this Article.

**499.** Each and every person before commencing to vend at retail, drugs, medicines or chemicals for medicinal use, or to compound or dispense physicians' prescriptions in the City of Baltimore, as managing owner of a store, or as managing assistant of a store, or as relief clerk temporarily in charge of a store, shall register as a pharmacist under the provisions of this sub-division of this Article.

**500.** Every person who shall at the time that this Article goes into effect be engaged in vending, at retail, drugs, medicines, and chemicals for medicinal use and compounding, and dispensing physicians' prescriptions in the City of Baltimore, and registered as a pharmacist under an Act, entitled "An Act to prevent incompetent persons from conducting business as pharmacist, or vending, at retail, drugs, medicines or chemicals for medicinal use in the City of Baltimore," approved April 1st. 1872, and amended by the repeal and re-enactment of sections 2 and 9, Chapter 91, passed at January session, 1876, shall be deemed competent to register as a pharmacist within the meaning of this sub-division of this Article. Every person holding a diploma from a regularly chartered and recognized college or school of pharmacy, based upon a full apprenticeship of four years as a pharmacist, and who presents satisfactory evidence of these facts to the said Commissioners of Pharmacy and Practical Chemistry, shall be deemed competent and entitled to register as a pharmacist.

**501.** Said Commissioners of Pharmacy and Practical Chemistry shall demand and receive from each applicant for registration whom they examine five dollars for each examination, and shall likewise be entitled to demand and receive one dollar from every person whom they register or re-register, which money, so received under the provisions of this section, shall be used and applied by said Board to defray the expenses accruing or arising under this sub-division of this Article. And every pharmacist, managing assistant and relief clerk, in the City of Baltimore, shall re-register annually after his first registration, during the time he shall continue in the practice of his profession, on such date as the Board of Pharmacy may deter-

mine, and shall pay to the said Board the fee of one dollar, as provided in this section, for which he shall receive a renewal of said registration.

**502.** In case of the death of a registered pharmacist, doing business as such in the City of Baltimore, his legal representative may continue said business for the benefit of the estate of said deceased, under the control and management of a registered pharmacist, subject to all the requirements of this subdivision of this Article.

**503.** No person unless he be registered as a pharmacist under this sub-division of this Article, or unless he be an apprentice who has had at least two years' experience under a pharmacist, or who has attended at least one full course of lectures on pharmacy, chemistry and *materia medica*, shall be permitted to compound and dispense prescriptions, except under the supervision of a registered pharmacist ; any registered pharmacist violating this section or permitting its violation in any store under his charge or management, shall be subject to a penalty or fine of not more than fifty dollars, which fines are to be disposed of as provided in section 501.

**504.** Any person who shall mix with any substance or preparation used or intended to be used as an officinal medicine any foreign or inert substance for the purpose of adulterating or weakening the same, or shall knowingly sell or knowingly offer for sale any officinal medicines so adulterated or deficient in standard strength, shall be deemed guilty of a misdemeanor and subject to a penalty or fine of fifty dollars, as provided in the preceding section.

*Seats for Female Employees in Stores or Factories.*

**505.** Every employer of females in any mercantile or manufacturing establishment in the City of Baltimore must provide and maintain suitable seats for the use of such employees. A person is deemed not to maintain suitable seats for the use of female employees unless he permits the use thereof by such employees to such extent as may be reasonable for the preservation of health and proper rest ; and the question of what is thus reasonable is one for determination by the jury or the court acting as a jury in any prosecution hereunder.

**506.** Any violation of the preceding section by any employer shall be deemed a misdemeanor, and shall be punishable by a fine of one hundred and fifty dollars, to be collected as other fines are collected.

*Tenement and Lodging Houses.*

**507.** The Mayor and City Council of Baltimore are authorized and directed to enact ordinances regulating the construction, care, use and management of tenement houses, lodging houses and cellars in the City of Baltimore, for the better protection of the lives and health of the inmates dwelling therein.

**508.** A tenement house shall be taken to mean and include every house, building or portion thereof which is rented, leased, let or hired out to be occupied, or is occupied, as the house or residence of more than three families living independently of another, and doing their own cooking upon the premises, or by more than two families upon a floor so living or cooking, but having a common right in the halls, stairways, yards, water-closets or privies, or some of them; a lodging house shall be taken to mean and include any house or building, or portion thereof, in which persons are harbored or received, or lodged for hire for a single night, or for less than a week at one time, or any part of which is let for any person to sleep in for any time less than a week; a cellar shall be taken to mean and include every basement or lower story of any building or house of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining.

*State Board of Commissioners of Practical Plumbing.*

**509.** It shall not be lawful for any person, firm or corporation engaged in the plumbing business in the City of Baltimore to employ as workmen in said business any persons, except those qualified to work at the plumbing business, as provided in section 511 of this Article; and no person shall be qualified to work at the plumbing business unless he has made application to and received from the State Board of Commissioners of Practical Plumbing the certificate of competence

provided for in section 511 of this Article, and is otherwise qualified, as required by this sub-division of this Article. Any person or firm engaged in the plumbing business in the City of Baltimore, and the superintendent, manager, agent or other officer of any corporation, engaged in the plumbing business in the City of Baltimore, who shall employ any person to work at the plumbing business not qualified as required by this sub-division of this Article shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars for every day or part of every day that such employer shall employ such workman.

**510.** If any person shall work at the plumbing business in the City of Baltimore without being qualified as required by this sub-division of this Article he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than fifty for every day or part of every day that such workman shall work at the plumbing business.

**511.** The Governor shall appoint biennially five persons, who shall constitute a board of commissioners, which shall be known and designated as "The State Board of Commissioners of Practical Plumbing," and who shall be selected as follows: Three persons who are practical and skilled plumbers from the City of Baltimore, the Commissioner of Health of Baltimore City, and a member of the State Board of Health, from the State at large, whose duty it shall be to faithfully and impartially execute, or cause to be executed, all the provisions and requirements of this and the two preceding sections; upon application and in such manner and at such place as they may determine, *provided* said place of examination shall be within the limits of the City of Baltimore, they shall examine each and every person who shall desire to work at the plumbing business, touching his competency and qualifications; and upon being satisfied that the person so examined is competent and qualified to work at said business, they, or any three of them, shall grant such person a certificate of competency, and register him in their books as a practical plumber, which shall operate as full authority to him to conduct and engage in the said business of plumbing.

**512.** The said Board of Commissioners shall demand and receive from each applicant for a certificate of competency whom they examine and pass the sum of three dollars at the time of the issuance of said certificate, and the sum of one dollar for the renewal thereof each and every year thereafter, on or before the first day of May.

**513.** The money received under the provisions of the foregoing section shall be used and applied by said Commissioners to defray their expenses, and all surplus over and above their necessary expenses shall be returned to the State Treasurer for the use of the State.

**514.** Said Commissioners shall hold their several offices for the period of two years, commencing from the first day of May in the year eighteen hundred and eighty-six, and thereafter until their successors have been appointed and qualified; each Commissioner, within thirty days after notification of his appointment, shall take and subscribe an oath or affirmation before the Clerk of the Superior Court of Baltimore City, to impartially and faithfully discharge his duties as said Commissioner; every person appointed Commissioner, who shall refuse or neglect to take the oath or affirmation provided for in this section, within the period named, shall be deemed to have refused said office, and the Governor shall immediately appoint some person qualified as provided in section 511 of this Article, to fill the vacancy thus created; each of said Commissioners shall receive the sum of five dollars for every day that he shall be present at a meeting of said Board, for the transaction of business; *provided*, however, that in each year he shall not receive compensation for more than thirty dollars, and *provided*, also, that said compensation shall be paid out of the fees or other sums received by said Board.

**515.** The said Board of Commissioners are empowered to make such rules and regulations from time to time as in their judgment they may deem necessary and requisite; and they shall make a report of the condition of the Board to the Governor biennially, on or before the first day of February, with a full statement of their receipts and expenditures.



## HOURS OF LABOR.

**516.** No mechanic nor laborer employed by the Mayor and City Council of Baltimore, or by any officer, agent or contractor under it, shall be required to work more than nine hours per day as a day's labor; *provided*, however, that this section shall not apply to mechanics and laborers whose hours of labor are already fixed at less than nine hours per day ; and *provided*, further, that the provisions of this sub-division of this Article shall not apply to the employees of the Fire Department, Bay View Asylum or the Baltimore City Jail. Any such officer, agent or contractor who shall require any mechanic or laborer to work more than nine hours per day, contrary to the provisions of this section, shall be fined not less than ten dollars nor more than fifty dollars for each offence; one-half of such fine to go to the informer ; said fines to be collected as other fines are collected by law.

## HOUSES OF REFUGE AND REFORMATION.

**517.** The Mayor and City Council of Baltimore, in conformity with the requirements of section 105 of this Article, is authorized and empowered to appropriate annually to the House of Refuge and St. Mary's Industrial School, any sum or sums of money not exceeding twenty-five thousand dollars per annum, and to the Boys' Home Society of Baltimore City, not exceeding the sum of five thousand dollars annually ; and to the Female House of Refuge, not exceeding ten thousand dollars per annum ; and to the Saint Vincent of Paul's Orphan Asylum of Baltimore City, any sum now due said institutions for the care of destitute or other minors committed by courts or police magistrates to its care, and hereafter not exceeding the sum of two thousand dollars per annum. And the said Mayor and City Council are further authorized and empowered to appropriate for repairs, permanent improvements and additions to the buildings now occupied and used by the House of Refuge and the Maryland Female House of Refuge, such additional sum or sums of money as in their judgment shall from time to time be required for these purposes.

**518.** The Judge of the Criminal Court of Baltimore, the President of the Board of Police Commissioners, and the Marshal of the Police of the City of Baltimore, shall, at such times as they may think proper, visit and inspect the House of the Good Shepherd.

#### **IMMIGRANTS.**

**519.** The master or commander of any vessel arriving from a foreign country or from any other of the United States, who shall enter said vessel at the custom-house in the City of Baltimore, shall, within twenty-four hours after such entry, make a report in writing on oath to the Mayor of said City, of the name, age and occupation of every alien who shall have been brought or carried as passenger in such vessel on that voyage, upon pain of forfeiture, for every neglect or omission to make such report, of the sum of twenty dollars for every such passenger neglected or omitted to be so reported.

**520.** The Mayor, or other person discharging the duties of his office, shall require the owner or consignee of every vessel arriving from a foreign country, or from any other of the United States, which shall be entered in said custom-house, upon pain of forfeiture to the Mayor and City Council of Baltimore, of twenty dollars for every neglect or omission to give a several bond to the State of Maryland in the penalty of three hundred dollars, for each passenger included in the report of the master or commander of such vessel directed to be made by the preceding section, and conditioned to indemnify and save harmless each and every City, town and county in this State, from any cost which such City, town or county shall incur, for the relief or support of the person named in the bond, within five years from the date of the bond, and also to indemnify and refund any charge or expense such City, town or county may necessarily incur for the support or medical care of the person named therein, if received into the almshouse or hospital or any other institution under their care.

**521.** Every such bond shall be signed by two or more sufficient securities, residents of the State of Maryland, each of

whom shall prove, by oath or otherwise, that he is owner of a freehold in said State, of the value of three hundred dollars over and above all claims or liens thereon or against him, including any contingent claim which may accrue from or upon any former bond given under the provisions of this sub-division of this Article.

**522.** If the principal in said bond chose, instead of the security required in the preceding sections, he may secure said bond by mortgage of real estate, or by the pledge and transfer of public stock of the United States, or of the State of Maryland, or of the City of Baltimore, or by deposit of the amount of the penalty in some bank, subject to the order of the Mayor of the City.

**523.** Any security, whether real or personal, offered by such owner or consignee, shall first be approved by the Mayor of the City.

**524.** The owner or consignee of any vessel may at any time within three days after the landing of such passengers, commute for the bond hereinbefore required, by paying to the City Register the sum of one dollar and fifty cents for each and every passenger reported as hereinbefore required by this sub-division of this Article, and the receipt of such sum by the City Register shall be deemed a full and sufficient discharge from the requirement of giving such bond.

**525.** If any alien passenger in such vessel shall be suffered to land therefrom at any place within the distance of fifty miles from said City, with the intent to proceed thereto otherwise than in said vessel, the master or commander thereof shall forfeit and pay for every such person the sum of one hundred dollars, unless within forty-eight hours after the entry of the vessel, the owner or consignee shall give bonds or pay the commutation money aforesaid.

**526.** All or any of the said penalties and forfeitures, as well as the said commutation money, may be sued for in the name of the Mayor and City Council of Baltimore, before any Justice

of the Peace, in the same manner and subject to the same rules and process, and the right of appeal as provided in cases of small debts.

**527.** The Mayor may compound for or remit the said penalties and forfeitures, and payments and recoveries, or any of them, either before or after suing for the same, upon such terms as the circumstances of the case may in his judgment require.

**528.** The Mayor and Register shall pay over to the trustees for the poor of Baltimore City, semi-annually, three-fifths of all sums of money arising from commutation by owners or consignees of vessels as aforesaid, which shall be appropriated by said trustees to the use of the City of Baltimore, for the purpose of supporting the foreign paupers of the said City, and the remaining two-fifths shall be paid to the Hibernian Society of Baltimore, and the German Society of Maryland, in the proportions mentioned in the next succeeding section.

**529.** All money received by the Mayor or Register for penalties and forfeitures imposed by this sub-division of this Article shall be distributed and paid by the Mayor and City Council as follows: two-fifths thereof to the German Society of Maryland, and the Hibernian Society of Baltimore, to be divided between them as follows: to the German Society in proportion to the amount received from and on account of German and Swiss passengers, and to the Hibernian Society in proportion to the amount received from and on account of Irish passengers; and the remaining three-fifths to the Supervisors of City Charities.

**530.** The Register of the City shall be entitled to two per centum upon the amount of money collected under this sub-division of this Article.

**531.** Nothing contained in the twelve preceding sections shall be deemed to extend to any ambassadors, ministers, consuls or agents of foreign governments arriving as passengers in the port of Baltimore.

## INSPECTIONS, WEIGHTS AND MEASURES.

*Barrels.*

**532.** The standard barrel for the measurement of all green peas or beans in the hull, for which a heaping measure is now given, shall be of the following dimensions, namely: diameter of said barrel at the top shall be eighteen and three-fourths inches inside the staves, the diameter at the bottom inside the staves shall be sixteen and one-fourth inches, and the depth of said barrel shall be twenty-six inches inside, and to contain in all six thousand two hundred and fifty-three and three-fourths cubic inches, measurement by said barrel to be struck measure.

**533.** The dimensions of any barrel so used shall be stamped by the Inspector of Weights and Measures of the City of Baltimore upon the same, in three conspicuous places, and any person using a barrel for the measurement of peas, beans and like farm products, without being so stamped, shall be fined not less than one hundred dollars, or more than five hundred dollars; said fine to be collected as other fines are now collected.

**534.** It shall be the duty of said Inspector of Weights and Measures and any measurer of the City of Baltimore, from time to time to inspect the barrels used for the measurement of said peas, beans and other farm products, and to see that the provisions of this sub-division of this Article are complied with; and upon the conviction of any person or corporation under the provisions of this sub-division of this Article, one-half of the fine imposed shall be paid to said Inspector of Weights and Measures of the City of Baltimore.

*Coal.*

**535.** Every person dealing in or selling mineral coal within the City of Baltimore shall have scales of suitable capacity attached to the premises occupied by him; any neglect upon the part of the dealer, seller or owner of coal-yards or wharves that are used for the sale of coal, to have the said scales placed within

the aforesaid yards or wharves, shall be subject to a penalty of ten dollars for each and every offence, to be recovered by indictment and paid to the Comptroller of Baltimore City.

**536.** If any owner of a cart or other vehicle used for hauling coal in the City of Baltimore shall neglect to have such coal weighed upon the scales named in the preceding section, or if any dealer or seller shall sell the aforesaid coal to any cart, wagon or other vehicle, without being so weighed, he shall be subject to a penalty of ten dollars for each and every offence, to be recovered by indictment and to be paid to the Comptroller of the City of Baltimore.

**537.** It shall be the duty of any policeman of Baltimore City, when called for by the purchasers or any interested person, or when such officer has reason to believe any cart, wagon or other vehicle on the street or road containing coal has not the proper weight, to take such cart, wagon or other vehicle to the nearest State or available private scale and have it weighed; and the party so weighing shall give a sworn certificate of the weight; and the seller of said coal shall not make any additional charge for hauling said coal to any scales to be weighed; and if the driver of said cart or other vehicle, or the owner thereof, shall refuse to drive said cart or other vehicle to said scales to be weighed as aforesaid, such driver or owner so refusing shall be fined the sum of five dollars, to be recovered by indictment and paid to the Comptroller of Baltimore City.

**538.** It shall be the duty of every seller of coal to send with each and every load of coal sold by him a card or ticket, which shall indicate on its face in plain characters the seller's name, the date, the weight of coal contained in the cart, wagon or other vehicle in which it is being transported; and any vendor of coal violating such provisions, or being found selling or delivering any load of coal without such card or ticket, shall be liable to a fine of not less than five dollars, nor more than ten dollars for each and every offense, to be recovered and appropriated as provided in the preceding Section; *provided*, how-

ever, that two per centum shall be allowed in the weight of the coal in the said cart, wagon or other vehicle for variation of scales; and *provided, further*, that nothing in this Section contained shall apply to sales of coal by manifest weight in car or cargo lots.

**539.** A compensation of twenty-five cents per ton shall be paid to the parties weighing coal under the foregoing section, said sum for weighing to be paid by the seller, if the coal is deficient in weight, otherwise to be paid by the purchaser.

**539A.** The Board of Police Commissioners shall order the detail of one policeman from each of the eight districts of the City (but one only at a time, and the said policeman so appointed shall not serve continuously), and each district changing alternately with the others for such time as the judgment of the Marshal shall determine. Such policeman shall be charged with the duty of enforcing the Coal Law for the benefit of the public and specially watching the delivery of mineral coal by carts, wagons or other vehicles, and he shall be empowered with authority to weigh any cart, wagon or other vehicle loaded with coal at any time he may elect to do so.

**540.** The provisions of this sub-division of this Article shall not apply to the sale of coal by single bushel, half bushel or peck.

#### *Gas Meters.*

**541.** It shall be the duty of every gas company manufacturing, furnishing and selling gas in the City of Baltimore, to place upon the premises of every consumer using gas, a correct apparatus or meter for registering the consumption of the same, and it shall be the duty of the company to see that said apparatus or meter is kept in proper working order and condition.

**542.** It shall not be lawful for said company, under any circumstances, to charge or collect for any greater amount of gas than is registered by said apparatus or meter.

**543.** Any consumer may, at any time, cause said apparatus or meter to be tested by the Superintendent of Lamps and Lighting or one of his Assistants, who shall make said test in the presence of the consumer and of an agent of the gas company by which the gas may be supplied, if desired, and shall furnish to the consumer a certificate under oath of the true condition and working of said apparatus or meter; and if it shall be found, upon any such test, that said apparatus or meter is registering gas in favor of said company, then, in the absence of any fraud upon the part of the consumer, the said company shall refund to the consumer an amount in lawful money equal to the percentage that the said apparatus or meter has been registering too fast, upon the bills of said consumer, registered by said apparatus or meter, for the four months next preceding the said test, unless the said company can prove that such inspection and certificate do not show the correct result; and in case such refunding does take place, the said company shall also pay the expenses incurred in making said test.

*Gaugers of Casks and Liquors.*

**544.** Any citizen of the State of Maryland, on application to the Clerk of the Court of Common Pleas in the City of Baltimore, and on paying one hundred dollars to the said clerk, shall be entitled to receive a license to act as gauger of casks and liquors, for the term of one year from the date thereof. The person applying for said license shall, at the time of receiving the same, take and subscribe before said clerk, an oath that he will honestly and faithfully discharge the duties of said office.

**545.** No person engaged in vending or trading in or manufacturing casks or liquors individually, or as a partner, or as agent, clerk or employee of a trader, vender or manufacturer of said articles, or either of them, or any commissioned officer, shall be licensed to act as gauger of casks and liquids.

**546.** Any person may sell, export or otherwise dispose of any foreign or domestic liquors in casks, without having the same gauged by a licensed gauger, but in cases of difference between the buyer and seller as to the quantity, either party may call in a gauger, and his judgment shall bind the parties.



547. The gaugers shall procure and use a correct set of gauging instruments, and as soon as they have ascertained the capacity of any cask they shall distinctly mark with marking irons the capacity on the bilge near the bung, and prefix the letter M., for the State of Maryland, and the first letter of the surname of the gauger who does the gauging; and any cask containing such liquor, to be merchantable, must be round at the bilge and heads, the staves thereof to be seasoned white oak, free from any injurious portion of sap-wood, and not less than half an inch thick at the thinnest part, and not more than three-quarters of an inch at the thickest part, and to be tight and secured with a sufficient number of good hoops; if of iron, six; and if of wood, not less than twelve; and at least not less than twelve on all double barrels and hogsheads; and if any cask containing such liquor shall be found deficient in any of these respects by said gauger, he shall direct it to be coopered, or other casks substituted therefor, at the expense of the owner or seller; and if any such cask shall be fraudulently made, the owner or seller thereof, or his agent, shall forfeit the cask to the use of the State.

548. The said gaugers, in order to ascertain the capacity of casks, shall conform to the Baltimore standard of wine measure; and if any cask or vessel gauged or marked by said gauger shall in its capacity be found lacking or exceeding one or more gallons in a cask of a larger size, the gauger shall forfeit and pay two dollars for each gallon so lacking or exceeding the number of gallons marked by him on the cask.

549. If any person shall alter any mark, or number marked or set down by any gauger, thereby to deceive and defraud the purchaser of distilled spirits, wine, molasses or other liquid merchandise so gauged and marked, or shall put any false mark or number on said cask, or upon any certificate intended to counterfeit the mark or number of the gauger, he shall forfeit and pay twenty dollars for every offence, one-half to the informer and the other half to the use of the State.

550. Every gauger so licensed shall be entitled to demand and receive from the person at whose request he shall gauge

any cask, the following fees, to wit: For gauging casks not exceeding forty gallons, ten cents per cask; for casks of larger size, fifteen cents.

**551.** Any person not being properly licensed, who shall act as gauger, or being so licensed shall act as said gauger outside of the limits of the said City, shall forfeit and pay to the Sheriff of the City the sum of three hundred dollars; said penalty to be imposed as a fine by the Criminal Court, on presentment and indictment by the Grand Jury and conviction in due course of law, and one-third of the penalty shall be paid by the Sheriff to the informer, and the residue shall be accounted for by the Sheriff to the treasury as other fines; if any person so licensed shall be guilty of a fraud by reason of collusion with any parties, he shall be deemed guilty of misdemeanor, and shall, on presentment and indictment therefor, and conviction thereof, forfeit and pay a fine of not less than five hundred dollars or more than one thousand dollars for every such offence, or be imprisoned, in the discretion of the court, for a time not exceeding three years, or both, and shall also be liable in damages at the suit of the party aggrieved.

#### *Hay and Straw.*

**552.** The Governor, by and with the advice and consent of the Senate, shall biennially appoint four inspectors of hay and straw for the City of Baltimore.

**553.** Each of said inspectors shall give bond to the State of Maryland, in the sum of two thousand dollars, for the true and faithful performance of the duties of his office.

**554.** All hay and straw brought to the City of Baltimore may be weighed at the State hay scales as now established by law, by one of the inspectors, at the rate of one hundred pounds to the hundred weight, making a reasonable allowance for the moisture thereof, as well as the mud or other substance attached to the wagon, cart or sled containing the same.

**555.** The inspector shall give a certificate of every load of hay or straw weighed by him, stating the gross and net weight of such straw or hay, and wagon, cart or sled.

**556.** The said inspector shall be entitled to demand and receive for each and every load of hay and straw inspected by him, of whatever weight, one cent per hundred weight; and for weighing hems, cable, anchors, dye-woods, barks, etc., two cents per hundred pounds; and for inspecting and weighing corn in the ear and corn husks, one cent per hundred pounds.

**557.** If any person bringing hay or straw to said City shall neglect to have the same weighed by the said inspector, or shall be detected in having stones, rubbish, wood or anything else concealed in his load, or shall in any manner change the condition of his cart, wagon, carriage or sled, with fraudulent intention, he shall forfeit and pay for each and every such offence the sum of five dollars; *provided*, however, any person bringing hay or straw to market, who shall sell and deliver the same for consumption west of Gwynn's Falls, shall not be subject to the penalty herein recited as to not having said load of hay or straw weighed by the weighmaster at the western hay scales, provided he shall tender to the weigher of hay and straw, at the western hay scales, on the day of delivery of said hay or straw, such fee as is prescribed by law, said fee to be ascertained by the certificate of the person weighing said hay or straw; and when said certificate of private weigher is presented to the weighmaster of hay and straw at the western hay scales, the said weighmaster shall retain the certificate of the private weigher, and issue to the person presenting the certificate from the private weigher, a certificate from the book of the weighmaster at the western hay scales corresponding with the certificate of the private weigher, for which the weighmaster at the western hay scales shall collect the fee prescribed by law; any seller of hay or straw failing to comply with the provisions of this section or failing to present the certificate of the private weigher to the weighmaster at the western hay scales, shall be subject to a fine of five dollars for each and every such offence.

**558.** That any private weigher, who shall under a false certificate, and any seller of hay or straw who shall present a false certificate to the weigher of hay and straw at the western hay scales, shall be subject to a fine of five dollars and costs for each and every such offence.

**559.** If any person, after having his hay or straw weighed, and having obtained the inspector's certificate, specifying the quantity thereof, shall dispose of any part thereof, or in any manner diminish the same in quantity, thereby to defraud or deceive the purchaser thereof, he shall forfeit and pay for every such offence the sum of twenty dollars.

**560.** The said inspectors may re-weigh carts, wagons, carriages or sleds, as often as they may deem expedient; and if at any time either of them shall be required to do so by a purchaser of hay or straw, and it shall be found that his report of the weight of the cart, wagon, carriage or sled is correct, the person requiring the same shall pay twenty cents to said inspector; in other cases the re-weighing shall be free of charge.

**561.** The said inspector shall, at all times when required, weigh hems, cables, anchors, dye-woods, barks, roots, etc.

**562.** In addition to the charge hereinbefore authorized for the use of the State hay scales, the inspector shall be entitled to demand and receive fifteen cents for each and every load of hay or straw which shall remain half an hour on the premises after the weighing thereof, but shall be removed before night, and thirty cents for each and every load which shall be left on the premises until the next morning.

**563.** The weighing apparatus shall be adjusted at least once in six months by the standard of weights for the City of Baltimore, the expenses of which, together with all the expense for repairs, shall be paid by the inspectors.

**564.** The inspectors shall severally account for, under oath, and pay over to the Treasurer, quarterly, all moneys received by them as inspectors, after retaining for their services three-fourths of all moneys received under sections 556 and 560, and one-fifth of all moneys received under section 562 of this Article.

**565.** It shall be the duty of the inspector of hay and straw having charge of the eastern hay scales at Canton, in the City of Baltimore, to weigh all cattle and hogs required by law to be weighed, which may be brought to said scales for that purpose; and the said inspector shall be entitled to demand and receive for the use of the State, for the first time of weighing any live-stock, except sheep, required by law to be weighed, two cents for every hundred weight, and one cent per head for every sheep; and for every second and subsequent weighing, for cattle and hogs, two cents for every thousand weight, and sheep, one cent for every thousand weight, and all live-stock not required to be weighed, the sum of six cents for every thousand weight.

**566.** He shall keep a full record of all weights as ascertained and determined by him, of what, and for whom the same may be ascertained and determined, and all money received by him for weighing live-stock, and all expenditures and disbursements, in books to be provided for him for that purpose, which books shall belong to the State, and shall at all times be subject to the inspection and order of the Comptroller; and he shall, at the expiration of every six months, or within five days thereafter, upon his oath, taken before a Justice of the Peace for said City, make a full statement of all receipts for weighing all live-stock weighed by him for the six months immediately preceding said statement, and from whom received, and all disbursements by him made to the Comptroller; and if the balance in the hands of said inspector for weighing live-stock for said six months shall exceed the sum of two hundred dollars, he shall pay the excess into the Treasury; but if there be no excess over and above two hundred dollars, after deducting all necessary expenses for receipts for weighing live-stock, the said inspector shall retain the balance as compensation for his services for weighing such live-stock.

**567.** Upon failure and refusal of any agent or owner of live-stock to pay for weighing the same he may impound any number of live-stock he may deem necessary to cause such fees to be paid; *provided*, no injury be done to said stock by confining them as aforesaid, and that they be delivered to the owner or agent upon payment of all just and proper charges.

**568.** If the inspector shall neglect or delay to weigh or cause to be weighed any live-stock brought to said scales for the purpose of being weighed, for a time not exceeding twenty-four hours after he shall have been requested to weigh the same, he shall forfeit and pay to the owner of such live-stock or his agent the sum of ten cents an hour upon each and every head thereof for so many hours as he shall omit or neglect to weigh the same, over and above the term of twenty-four hours, Sunday excepted, to be recovered in an action of debt before a Justice of the Peace, with costs.

**569.** The said inspector of hay and straw shall execute a bond to the State in addition to the bond now provided by law to be given by said inspector, to be approved by the Comptroller, in the penal sum of one thousand dollars, conditioned for the full performance of all acts and things required by him as weigher of live-stock at said scales, and to pay all damages that may be sustained by reason of wilful omission, refusal or neglect to discharge said duties; which bond shall be filed with the State Comptroller; but said inspector or weigher of hay and straw shall be chargeable with the payment of a tax of ten dollars, and no more, for his commission.

**570.** All fines and forfeitures imposed under sections 557 to 559 may be recovered with costs in the name of the State, before a Justice of the Peace in the manner that small debts are recovered; one-half to the informer and the other half to the use of the State.

*Manure.*

**571.** A cart load of manure shall contain forty cubic feet.

*Steam Boilers.*

**572.** The Governor shall biennially appoint two suitable persons who are well skilled in the construction and use of steam engines and boilers, and in application of steam thereto, whose duty it shall be to inspect steam boilers in the City of Baltimore, as hereinafter specified and directed; said inspectors before entering on their duties, shall make oath before a Justice of the Peace, that they will faithfully perform the duties of their office without fear, partiality or favor; that they are not,

and will not during their term of office, be connected with, or interested in the manufacture of steam boilers, engines or machinery applicable thereto, and that they will not during their term of office, accept any money, gift, gratuity or consideration from any person, and shall give bond, to be approved by the State Comptroller, in the sum of five thousand dollars each, for the faithful discharge of their duties.

**573.** The City of Baltimore is divided into two districts, which shall be known as the first and second steam boiler inspection districts; the first district shall embrace what is now known as the Eastern, Northeastern and Southern Police Districts; the second shall embrace what is now known as the Central, Western, Northwestern and Southwestern Police Districts of said City; and the Governor in appointing the inspectors shall assign each to his respective district.

**574.** The inspectors, before entering on the discharge of their duties, shall provide themselves with an office in a central part of said City, also with the necessary apparatus and appliances for the testing of steam boilers; and they shall give notice for three successive days, through the two daily papers having the largest circulation in said City, of the time and manner in which they shall receive the reports of the locations of steam boilers.

**575.** Every owner or renter using a steam boiler in said City, shall, within ten days after the publication of the aforesaid notice, report to the inspector of the district the location of such boiler, under a penalty of fifty dollars for each day a boiler is used and neglected to be reported.

**576.** The inspector of each district shall give six days' notice in writing to each owner or renter of a steam boiler, or the engineer or person in charge, of the time when he will inspect such boiler; and such owner or renter shall have such boiler ready for inspection, in compliance with the requirements of said notice, and shall furnish such assistance as the inspector may require, under a penalty of fifty dollars for such failure or neglect, and a further penalty of fifty dollars for each day any such boiler is used without a certificate of inspection.

**577.** It shall be the duty of each inspector, once at least in every year, to inspect all stationary steam boilers of three horse power and upwards, used within the limits of his district, subjecting them to a hydrostatic test of at least twenty-five per cent. in excess of the steam pressure allowed, and satisfy himself, by a thorough external and internal examination, (if possible,) with a hammer, that the boilers are free from danger from corrosion or other defects, are well made of good material, the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat are of proper dimensions, and free from obstruction; that the flues and tubes, if any, are circular in form, the furnaces in proper shape, and the fire line of the furnaces is at least two inches below the minimum water line of the boilers; and shall also satisfy himself that the safety valves are of suitable dimensions, sufficient in number and well arranged, and that the weights are properly adjusted so as to allow no greater pressure in the boiler than the amount prescribed in the certificate of inspection; that there is a sufficient number of gauge-cocks, a steam gauge, a coupling cock in suitable position for attaching the hydrostatic test, that means for blowing out are provided, so as to thoroughly remove the mud and sediment from all parts of the boilers when they are under the pressure of steam, and that fusible metals are properly inserted so as to fuse by the heat of the furnaces when the water in the boilers shall fall below the prescribed limits, and that adequate and certain provision is made for an ample supply of water at all times; when the inspection is completed and the inspector approves the boiler, he shall make and subscribe a certificate of inspection, stating the condition of the boiler, the number of years or months it has been in use, and the pressure of steam allowed; and no greater pressure than that allowed by the certificate shall be applied to such boiler. In limiting pressure, whenever the boiler under test will, with safety, bear the same, the limit desired by the owner shall be the one certified; and such certificate of inspection shall be framed under glass, and kept in some conspicuous place on the premises where said boiler referred to is used; and if the inspector shall deliver or cause to be delivered to the owner or renter of any boiler a certificate of inspection without having first subjected the said boiler to the tests as herein provided, he shall



forfeit his bond, and upon conviction shall be removed from office by the Governor.

**578.** In addition to the annual inspection, it shall be the duty of the inspector to examine all boilers within the limits of their respective districts once at least in every three months, and if deemed necessary, apply the hydrostatic test; and if on such examination the inspector shall find evidence of deterioration in strength, he shall revoke the certificate and issue another, assigning a lower rate of pressure; and if the defect be of such character as to make the boiler dangerous, the inspector shall notify the owner or renter in writing, stating in the notice what is required, and order the use of the boiler discontinued until the necessary repairs are made; and if he considers it beyond repair, he shall condemn it; and if the owner or renter shall refuse or neglect to comply with the requirements of the inspector, and shall, contrary thereto, and while the same remains unreversed, use the boiler, he shall be liable to a penalty of not less than one hundred dollars for each day such boiler is used, and in addition thereto shall be liable for any damage to persons or property which shall occur from any defects, as stated in the notice of the inspector.

**579.** Any owner or renter of a boiler, who shall consider himself aggrieved by the action of the inspector, under the provisions of the preceding section, may, within ten days after such inspection, notify the inspector of the fact, and demand a re-examination of the said boiler; the owner or renter shall select a practical engineer, who, with the inspector, shall select a third person, skilled in the manufacture and use of steam boilers, which said two persons, after taking an oath as reviewers, shall, together with the inspector, carefully examine the said boiler, and the decision of any two of these shall be final; should the decision of the inspector be sustained, the said owner or renter shall pay the expense of such review; but should it be reversed, the inspector shall restore the certificate, and the expense of the review shall be paid by the State; such reviewers shall receive five dollars for each day or part of a day they are engaged in making such review.

**580.** Any person erecting or using a steam boiler without having the same inspected by the inspector of the district in which the said boiler is located, shall pay a fine of one hundred dollars, and fifty dollars for each day any such boiler is used without being inspected; and any person who shall alter or change a steam gauge or weight on a safety valve for the purpose of carrying a greater pressure of steam on a boiler than that allowed by the certificate of inspection, shall be liable to a fine of five hundred dollars; and any owner or renter of a steam boiler who shall neglect or refuse to place his certificate of inspection on the premises, as prescribed in section 577 hereof, shall pay a fine of five dollars for each day's refusal or neglect.

**581.** The inspector shall have power to examine the engineers and assistants in charge of boilers, and if any engineer or assistant is found incompetent or addicted to intemperance, the inspector shall notify the owner or renter, and withdraw the certificate of inspection until such engineer or assistant is displaced.

**582.** Before issuing any certificate of inspection, the inspectors shall demand and receive from the owner or renter of the boiler, as a compensation for the inspection, and the examinations to be made during the year as hereinbefore provided, the following sums: For every boiler of ten horse-power or less, five dollars; when the boiler is above ten horse-power, five dollars for the first ten, and twenty-five cents additional for each horse-power in excess of that number.

**583.** It shall be the duty of each inspector to keep a correct record of the locations of all boilers in his district, when each boiler was inspected, the condition of the same at the time of inspection, the instructions given to the engineers in charge, the certificates issued, the amount of steam pressure allowed in each certificate, and the boilers condemned or ordered to be repaired; also a correct account of all money received or paid out; and they shall report the same annually to the State Comptroller.

**584.** The inspectors shall receive an annual salary of fifteen hundred dollars each; and all moneys collected, after deduct--

ing the necessary incidental expenses of the office, shall be paid over to the Treasurer of the State.

**585.** Nothing in this sub-division of this Article shall conflict with the ordinance of the Mayor and City Council of Baltimore which requires their permission for the erection of steam boilers in that City.

**586.** Every steam boiler insurance company doing business in this State shall have a resident inspector, whose duty it shall be to make inspections of steam boilers submitted for insurance to such steam boiler insurance company; and any owner or renter of a steam boiler who has the same insured in a steam boiler insurance company doing business in this State, in compliance with the laws thereof, and having a resident inspector and an established system of inspection, must immediately after the first annual inspection in each year by such resident inspector of such steam boiler insurance company, present to the State Inspector of the district in which the said steam boilers are located, the certificate of inspection of the said company; and the said company shall be charged and chargeable with a fee of one dollar for each and every boiler so inspected and insured, which shall be paid to the State Inspector with such certificate; *provided*, that when there is more than one steam boiler belonging to the same owner or renter so insured, then the fee so chargeable to the insurance company shall be one dollar per boiler for the first five, and one dollar for each additional five or fraction thereof over and above the first five; and upon the acceptance of the provisions of this section by the owner or renter of said steam boiler, the said owner or renter shall be exempted from the requirements of this sub-division of this Article.

**587.** If either inspector neglects to discharge his duties as prescribed in this sub-division of this Article, he shall forfeit his bond, and shall be removed from office by the Governor.

**588.** The Governor shall fill all vacancies that may occur as soon as possible.

**589.** All fines and penalties imposed in this sub-division of this Article shall be recoverable by indictment before the Criminal Court of Baltimore, or before any Justice of the Peace of said City, in the name of the inspector, for the benefit of the State.

*Wood Carts.*

**590.** The Governor shall biennially appoint, by and with the consent of the Senate, one competent person, whose duty it shall be to measure and stamp all carts or vehicles engaged in hauling cord wood from wharf and yard within the corporate limits of the City of Baltimore; and it shall further be the duty of the said measurer to measure and stamp all carts or vehicles engaged in hauling sawed and split wood for the purpose of selling the same within the corporate limits of the City of Baltimore; the said measurer shall have power to appoint deputies if he shall find it necessary to facilitate the work; and he or his assistants shall give certificates to the owners of said carts or vehicles, which shall hold good for one year from date; all such certificates shall terminate on the first day of May, annually, and shall be applied for on said day, or within thirty days thereafter; and in all cases where said certificate shall not have been renewed within the thirty days aforesaid, a new certificate shall be necessary, to be dated and paid for from the first day of May, as in case of renewal, unless some repairs or alteration be necessary to change the same, for which services he shall receive the sum of one dollar for each cart or vehicle so inspected and marked by him, to be paid by the party at whose request the services were performed; the said measurer or his deputies shall be in no way interested as clerks, or otherwise engaged in the purchase or sale of fire-wood, other than for their own use.

**591.** That it shall be unlawful for any person, in either purchasing or selling seasoned cord wood in quantities of not less than one-half cord at any one time, to measure and settle for the same, except on the basis of one hundred and twenty-eight cubic feet to each cord of wood; and that the said contents of a cord of wood shall be ascertained by lineal or outside measurement, as follows: It shall be eight feet long, four feet high and four feet wide.

**592.** That any person violating the provisions of the preceding section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than fifty nor more than one hundred dollars, one-half to go to the informer.

**593.** The said measurer and his deputies, before entering upon their duties of office, shall take the following oath or affirmation, as the case may be, before some Justice of the Peace: "I do solemnly swear (or affirm) that I will faithfully, truly and impartially, according to the best of my skill and judgment, execute and perform the office and duty of measurer of carts according to the true intent and meaning of this subdivision of this Article, so help me God."

**594.** Said measurer shall locate himself in some suitable section of the City, where he can be found, where the greatest quantity of wood is for sale; he shall plainly mark, by a brand on the standards of each side of said carts or vehicles, in such a manner as that the purchaser or consumer of fire-wood may see the quantity contained in each eighth, quarter, half or cord of wood so purchased by him, the standard of measurement to be one hundred and twenty-eight cubic feet to the cord of well-stored and packed cord wood, or one hundred and sixty cubic feet of sawed and split wood.

**595.** All stick wood sold by retail in the City of Baltimore, shall be measured in a solid frame made of wood or iron; a frame to measure one-eighth of a cord shall be two feet wide and two feet high; a frame to measure one-fourth of a cord shall be three feet wide and two feet eight inches high; a frame to measure three-eighths of a cord shall be four feet wide and three feet high; and a frame to measure one-half of a cord shall be four feet wide and four feet high; these various dimensions being all intended to import inside measurement; all frames shall be measured and stamped every year by the inspector just as carts are measured and stamped.

**596.** If any wood dealer shall sell stick wood by retail in the City of Baltimore, measured otherwise than in a frame, he

shall be subject to the penalty of five dollars for each offence; one-half of the penalty to go to the informer; said penalty to be recovered before some Justice of the Peace.

**597.** The two preceding sections shall not apply to the measurement of sawed and split wood.

**598.** If any owner of a cart or vehicle to be used in hauling fire-wood in the City of Baltimore shall neglect to have such cart or vehicle so inspected, and if any carter or person shall alter the marks of said carts or vehicles after the same have been so inspected, or shall alter the measurement of said fire-wood by increasing or taking from the same, or neglect to have said carts or vehicles stamped, as provided for in this sub-division of this Article, by the first day of June of each year, or if any dealer shall sell the aforesaid cord or sawed and split wood to any cart or vehicle not properly stamped by the measurer or his deputies, provided for by this sub-division of this Article, he shall be subject to the penalty of five dollars for each offence, to be recovered as small debts are now recovered, before some Justice of the Peace, for the use of the City of Baltimore.

**599.** In case of dispute between the purchaser and seller of any lot of fire-wood, the measurer or his deputy, appointed under this sub-division of this Article, may act as arbitrator between said parties, and his decision shall be final; for which services he shall receive the sum of six and one-quarter cents for each cord of wood so inspected and measured by him, to be paid by the party at whose request said service was performed; the said measurer or deputy to give a certificate of the number of cords contained in each lot.

#### IONES'S FALLS.

**600.** None of the provisions of this Article in reference to constructing sewers and opening and paving streets in the City of Baltimore shall apply to the construction of the sewers, and to the opening and paving of the streets and avenues for which provision is made in this Article relating to Jones's falls, save in so far as the said provision may be made applicable thereto by

an ordinance of the Mayor and City Council of Baltimore, passed for that purpose; and *provided* further, that no appeal shall lie from the decisions of the Baltimore City Court in proceedings in said Court under the provisions of this Article relating to Jones's falls.

**601.** All of the provisions of an ordinance of the Mayor and City Council of Baltimore, entitled an ordinance to provide for the improvement of Jones's falls within the limits of the City of Baltimore, approved January 31, 1870, shall have the same force, effect and operation, and be in all respects as valid as if the said ordinance had been passed after the approval of the Act of 1870, chapter 115, or had been passed after the enactment of a law by the General Assembly of Maryland authorizing and empowering the Mayor and City Council of Baltimore to pass such an ordinance.

#### JURORS.

**602.** The Judges of the Supreme Bench of Baltimore City, or a majority of them, shall meet in some one of the courtrooms of the City of Baltimore on such days as the said Judges, or a majority of them, shall appoint, in the month of April in each year, and shall on such days of meeting, select fairly and impartially, and by the exercise of their best judgment, the names of seven hundred and fifty persons, or thereabout, qualified under the laws of this State to be grand and petit jurors in the City of Baltimore. They shall cause the names of the persons so selected to be entered in a proper book, and shall verify the list so made up by their certificate and signatures. The said book containing the said list shall be placed in the custody of the Clerk of the Superior Court of Baltimore City.

**603.** In order to assist the said Judges in making out the list of jurors aforesaid, the City Collector of the City of Baltimore, shall, before the first day of February in each and every year, lodge with the Clerk of the Superior Court of Baltimore City, for the use of said Judges, a certified list of so many of the taxable male inhabitants, resident in the said City, as he may have been directed to furnish by the order of said

Judges, or a majority of them, setting out their names and places of residence, so far as the same may be ascertained; and the said Collector shall receive for such service a compensation to be fixed by said Judges, and he shall be paid as jurors are paid.

**604.** The said list of persons, qualified under the laws of this State to be grand and petit jurors in the City of Baltimore, having been prepared as aforesaid, it shall be the duty of the said Judges of the Supreme Bench of Baltimore City, or a majority of them, to meet in each and every year in some one of the courtrooms of the City of Baltimore, on one or more days to be appointed by them, before the beginning of each regular term of the Criminal Court of Baltimore, which said meeting, or the last of which said appointed meetings shall be at least ten days before the beginning of each of said terms, and to select from said list the names of twenty-three persons, who shall constitute and be the grand jurors for the City of Baltimore for the ensuing term of said Criminal Court of Baltimore; the list of grand jurors so selected shall be attested by the signatures of the Judges selecting the same, and be given forthwith to the Sheriff of Baltimore City, who shall immediately summon the persons so selected, to serve as grand jurors for the City of Baltimore at the ensuing term of the Criminal Court of Baltimore. If any of the grand jurors so selected and summoned shall be shown to be disqualified, or be from any sufficient cause excused from serving, it shall be the duty of the said Judges of the Supreme Bench of Baltimore City, or of a majority of them, to re-assemble as soon as they are notified thereof by the Judge of the Criminal Court of Baltimore, and to assemble again, from time to time, if the same be necessary, to correct and complete, in the manner hereinbefore provided for, the said Grand Jury for the City of Baltimore, by the selection of proper persons as aforesaid from the list of qualified jurors made as aforesaid, omitting in said selection the names of persons on said lists who may have been drawn to serve as petit jurors in other Courts of said City at said term. The Judges shall, after so correcting and completing the list of grand jurors for the City of Baltimore, so before made out by them, attest the said list of grand jurors as so corrected, by



their certificate and signatures thereto. The Judge of the Criminal Court of Baltimore shall, at the beginning of each term of the said Court, designate the foreman of the Grand Jury for the City of Baltimore for the said ensuing term, from among the number of grand jurors selected as aforesaid for said City; and in case of the disqualification, sickness, absence or death of said foreman, or of any foreman of said Grand Jury, may designate another from among the number of said Grand Jury, who shall act as such foreman.

**604A.** Upon the organization of each Grand Jury, as provided for in the preceding Section, and upon their request therefor signified to the Judge or Judges for the time being specially assigned to and sitting in the Criminal Court of the said City, the said Judge or Judges may, and they are hereby authorized and empowered to, appoint a clerk, who shall be a competent stenographer, at a compensation not exceeding the rate of fifteen hundred dollars per annum, to be paid by the Mayor and City Council of Baltimore, which said clerk shall have authority to take and transcribe the testimony given before any Grand Jury in said City of Baltimore, and whenever required by the State's Attorney shall attend upon and take and transcribe the testimony given at Coroner's inquests, and all of the said testimony so taken and transcribed shall be for the exclusive use and benefit of the Grand Jury and the State's Attorney of said City, unless otherwise ordered by the Court.

**604B.** Any clerk appointed under the provisions of the preceding Section shall before he enters upon the duties of his office take and subscribe before the Clerk of the Criminal Court of Baltimore City an oath that he will keep secret all matters and things occurring before such Grand Juries.

**604C.** It shall be lawful for any stenographer, duly appointed and qualified as herein provided, to attend and be present at the sessions of every Grand Jury empaneled in the said City, and it shall be his duty to take in shorthand the testimony introduced before such Grand Juries and to furnish to the Grand Jury and the State's Attorney of said City a full copy of all such testimony as such Grand Jury or State's Attorney shall require,

and he shall not permit any other person to take a copy of the same nor of any portion thereof, nor to read the same nor any portion thereof, nor shall he disclose the character or any of the contents of the same to any person or persons other than the Grand Jury or State's Attorney for said City, except upon the written order of the Court duly made after hearing the State's Attorney. All of the said original minutes shall be kept in the custody of said State's Attorney, and neither the same nor a copy of the same shall be taken from the office of said State's Attorney excepting for the use of a Grand Jury for said City or for production in Court, without an order of Court first had and obtained, as above provided.

**604D.** Any stenographer appointed as aforesaid who shall violate any of the provisions of the three preceding Sections with regard to secrecy shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding one thousand dollars or imprisoned in jail not exceeding one year, or be both fined and imprisoned, in the discretion of the Court.

**605.** The said Judges of the Supreme Bench of Baltimore City, or one or more of them, shall, at one or more of the meetings provided for in the last preceding section of this sub-division of this Article, after the selection of the grand juries for the City of Baltimore, as provided in the last preceding section, cause all the names selected by the Judges as aforesaid, remaining upon said list of qualified jurors, to be inscribed upon ballots, which shall be of equal size, color and appearance, and shall be closely folded and shall be placed by one of such Judges, with his own hands, on the day of said meeting, and immediately before the drawing herein provided for, in a drawing wheel to be provided for that purpose by the Sheriff of Baltimore City, under the direction of said Judges; the said Judge shall then cause the said Sheriff, or such one of his deputies as he shall designate, to appear before him; and it shall be the duty of the said Sheriff or his said deputy, in the presence and in the immediate view of the said Judge or Judges, and of such other persons as may choose to attend, to draw one by one from said wheel the ballots contained therein until four hundred of said ballots have been drawn therefrom; and the

said Judge or Judges shall cause the said wheel to be turned upon its axis before the commencement of said drawing, and after the ballots have been deposited therein, and after the drawing of each ballot, and before the drawing of the next, until four hundred of said ballots shall have been drawn; and said Judge or Judges shall forthwith cause the names appearing upon said ballot as drawn, together with the names selected as grand jurors, to be duly recorded in a proper book in the order in which they shall have been chosen, and in which said Judge or Judges shall have seen them drawn as aforesaid, which said Judge or Judges so attending said drawing shall certify at the foot of said list to have been done.

**606.** After four hundred of the names in the box shall have been drawn, as provided by section 605, it shall be the duty of said Judge or Judges who shall have attended said drawing to cause the names of the said several panels, and the names of the other persons drawn as aforesaid, to be entered in two books, in addition to the book provided in section 605; in the order in which the said panels and the names aforesaid were drawn; and the said books shall be certified by the Judge or Judges who shall have attended said drawing, to be true copies of the book prescribed in section 605, and said books shall be denominated jury books for Baltimore City.

**607.** In addition to the four hundred names to be drawn as provided by section 605 of this Article, it shall be the duty of said Judge or Judges who shall attend said drawing to cause to be drawn in the mode pointed out in said section 605, or in such other mode as shall be prescribed by the Supreme Bench of Baltimore City, one hundred additional jurors, or such other number as shall be deemed necessary to be drawn by the Supreme Bench of Baltimore City, which said jurors so drawn, together with the said four hundred jurors, shall, under such regulations as shall be prescribed by the Supreme Bench of Baltimore City, serve from time to time as jurors in the common law courts of Baltimore City, and for such length of time as said courts shall prescribe, and power is hereby conferred upon said Supreme Bench of Baltimore City to prescribe by rule for the mode, time and place for the drawing of jurors, for

the organization thereof, and for the distribution among the said several common law courts of Baltimore City, of the jurors whose drawing is provided for by the several sections of this sub-division of this Article, and to regulate the length of time for which the jurors drawn as aforesaid shall serve.

**608.** When the jury books shall have been prepared and certified as directed in the foregoing section, it shall be the duty of the said Judge or Judges by whom the same shall have been so certified, to cause one of the said books to be deposited in the custody of the Clerk of the Superior Court of Baltimore City, and one in the custody of the Sheriff of Baltimore City, and one shall be retained by the said Judges of the Supreme Bench of Baltimore City, or by such one of their number as they shall appoint for the purpose of verifying the lists of persons so delivered as aforesaid to the Clerks or the Sheriff of Baltimore City. And when the said books shall have been delivered to the said Sheriff, he shall immediately summon the several jurors drawn for the several panels named in the said book, to serve in the court for which they have been respectively drawn, at such time as shall be designated by the court. And in addition to summoning the said jurors for the said several panels, the said Sheriff shall also summon such additional number of persons, whose names are set down in said book, and as nearly as may be in the order in which their names are so set down, as the said Judges of the Supreme Bench, or a majority of them, shall direct, to appear in the room of the Superior Court of Baltimore City at the same time with the panel for said court. And the said additional number of jurors shall constitute a reserve, from which, without further summons, jurors may be selected to serve in lieu of any persons drawn for the regular panels of said court aforesaid, who may not be found, fail to appear, are legally disabled, or are excused or excluded from attending, so that the panels may be completed by selecting from said reserve, in the following order: First, for the Superior Court of Baltimore City; second, the Criminal Court of Baltimore; third, the Baltimore City Court; and fourth, the Court of Common Pleas. And until said panels have been completed, said reserves shall be required, upon the order of the several courts, to proceed from one to the other in the order above

mentioned; and when all said panels have been completed, those persons summoned for such reserve, and not empaneled, shall be discharged, but shall not thereby be excused from service when resummoned; and in empaneling juries for said reserve their names shall be called in the order in which they appear in said book; and the names of said reserves shall first be all called in the Superior Court of Baltimore City, the Judge of which court shall determine upon their qualifications as jurors, and the right or claim of any members of said reserve to be excused or exempted from service.

**609.** If the full panels of jurors for the said several courts shall not be obtained from the jurors so drawn for the several panels of the said courts, as herein provided, or from said reserve, by reason of some of said jurors or reserve being legally disabled or excused from attending, or not being found, or from other causes, the Sheriff, upon being notified by any of said Judges what additional number of jurors is required for the court in which he presides, shall proceed to complete the said panel in which jurors are needed, by summoning in the stead of such jurors such number of persons as said Judge may direct, of the persons whose names are set down in the said jury book next after the regular panels, and after those persons who have been summoned as the reserve hereinbefore provided for; and he shall summon such persons, as near as he can reasonably do so, in the order in which they are set down in said book, and their names shall be called for empaneling in the order in which they appear in said book.

**610.** If at any trial of any cause in any of the several courts as aforesaid, *tales de circumstantibus*, shall be ordered, it shall be the duty of the Sheriff to summon such talesmen, those who are entered in said book and are not upon the regular panels as aforesaid; and such talesmen shall be summoned and called to be sworn or affirmed upon the *voir dire*, or otherwise, in the order in which their names are set down in said jury book, unless the Sheriff or his deputy in that behalf shall swear that he has made true and diligent search for such persons as do not appear, and that they cannot be found, or unless being summoned such persons have failed to appear, or unless the State's

Attorney or his deputy, and counsel for the traverser, or the counsel for the parties litigant, with the consent of the court, shall waive said order for summoning and swearing or affirming such talesmen; but if said affidavit shall have been made by said Sheriff or his deputy, or if such persons shall fail to appear after having been summoned as aforesaid, or the said waiver shall be made with the consent of the court, then such of the talesmen as have been properly summoned and have appeared shall be called to be sworn in the order in which their said names are recorded in the jury book aforesaid; or whenever in either of said courts it shall be necessary to summon talesmen, the Judges of the said courts, respectively, instead of, or in addition to, resorting to the foregoing provisions of this section for the summoning of talesmen, may order the Sheriff to summon as such talesmen, any of the jurymen in attendance upon either of the said courts, except said Criminal Court of Baltimore, who may not then be engaged as a part of any special panel; and if it should happen at any time that in summoning talesmen for any of the said courts, the Sheriff shall exhaust the whole list of the names drawn from the said wheel, as provided in this sub-division of this Article, it shall be his duty immediately to make report thereof, verified by his affidavit or affirmation, to the Supreme Bench of Baltimore City, and thereupon the said Judges, or one of them, shall immediately cause the Sheriff, or his deputy to be designated by him, to appear before such Judge, in some one of the courtrooms in said City, and cause such additional number of names as shall be designated by the Judge of the Court for which such talesmen are needed, to be drawn from the names selected by said Judges as aforesaid, and still remaining upon said list of qualified jurors, and from such further names, if any, as the Judges of the Supreme Bench, or a majority of them, shall select and cause to be added to said list; and the said drawing shall be made, and the names drawn shall be recorded in the manner provided in sections 605 and 606; and the talesmen shall be summoned from such additional number of persons so drawn in the manner hereinbefore directed.

**611.** Every petit juror sworn upon any special panel shall continue to serve thereon until discharged by the court, not-

withstanding the expiration of his term of three weeks, aforesaid; but no one summoned as a juror shall be excused from service except in open court, on good cause shown to the satisfaction of the court; and if any juror summoned, and not excused, shall fail to attend the said court until duly discharged, he shall be fined, for the use of the said City, not less than twenty nor more than two hundred dollars, to be recovered by attachment, or such other appropriate process as the said court may direct.

**612.** It shall be the duty of said Judges, or a majority of them, to assemble as hereinbefore in this sub-division of this Article provided, on the Thursday preceding the fourth Monday of each term, and thereafter so long as a jury may be required for any of said courts, from three weeks to three weeks during each term of each of the said courts which may require the attendance of a jury; at such meetings the said Judges, or a majority of them, shall cause the names of those who have served on any of the regular panels of the aforesaid courts since the making of the list of qualified jurors as aforesaid to be stricken from said list; and the persons whose names are so stricken from said list shall not be liable to serve again as jurors for two years, accounting from the beginning of the term for which their names were so entered on the list of qualified jurors; the said Judges, or a majority of them, shall then add to said list of qualified jurors such qualified persons as shall suffice to make up the number of seven hundred and fifty qualified persons, or thereabouts. From the said whole number the jurors to serve for three weeks from the ensuing Monday shall then be drawn for the said courts, and their names be recorded in the said jury books in the manner hereinbefore provided by this sub-division of this Article, under the superintendence of one or more of said Judges. And if, at the time of any drawing, juries shall not be required for all of said courts, then it shall not be necessary to draw panels for the court not requiring them, but jurors shall be drawn for such courts only as may need them, in the manner hereinbefore provided in this Article relating to jurors, so far as concerns the courts requiring such juries; and besides summoning said panels for the said courts, the Sheriff shall also summon at the same time such number of reserves as he may

be required, by the Judges, or a majority of them, as provided by section 608; and said reserves shall also be liable to service as in said section mentioned.

**613.** If it should happen that the said lists of persons competent to act as jurors, other than the regular panels as aforesaid, should at any time be exhausted as talesmen, it shall also be competent for the Sheriff to summon as talesmen any of the regular panels in any of the other of said courts in Baltimore City who may be at the time of such summons not engaged as part of any special panel in any of the said courts; but it is herein provided that whenever any part of the regular panel of any court shall be by the Sheriff as aforesaid summoned to attend in another, as talesman, jurors of the regular panel of the court in which talesmen are required, or so many of them as shall be needed, shall be by the said Sheriff notified to attend in the courts from which regular jurors have been withdrawn; and the said jurors shall attend accordingly in the said courts until the regular jurors of said court are discharged from the court in which they shall be required to serve as talesmen, as aforesaid.

**614.** Any person who shall fraudulently mark or designate or open or leave open, or cause or knowingly permit to be marked or designated, or to be opened or left open any ballot for jurors which shall be prepared for the purpose of being drawn under this sub-division of this Article, or who, by any fraudulent contrivance, device or collusion whatever, shall prepare or arrange, or cause, or knowingly permit to be prepared or arranged any ballot aforesaid, so that the same or any thereof may be known or recognized in the drawing thereof, or may be drawn in preference to others, or for the purpose of their being so known or recognized, or being so drawn or omitted to be so drawn; and any person who shall in any way fraudulently or collusively deal with the ballots aforesaid, or any of them, or with the drawing thereof, or with the preparation or folding of said ballots, or with the wheel aforesaid, so that the fair operation and lawful and impartial execution of the provisions of this sub-division of this Article in relation to the selection of jurors in the City of Baltimore shall be knowingly prevented or interfered with, or with intent to interfere with or prevent the same,



or to permit or allow the same to be interfered with or prevented, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to be confined, in the discretion of the court, in the Penitentiary or Maryland House of Correction for a term of not less than one nor more than three years.

**615.** All special juries authorized by law to be summoned shall be summoned by the Sheriff of Baltimore City from those whose names may be inscribed in the jury book as then revised.

**616.** If any Sheriff of Baltimore City, or any deputy thereof, shall wilfully violate the provisions of this sub-division of this Article relating to juries, the said Sheriff shall forfeit the sum of one thousand dollars, which shall be recovered by civil action in the name of the State against the Sheriff and the sureties on his bond in that behalf, and one-half of the penalty shall be paid to the informer.

**617.** Any two of the Judges of the Supreme Bench of Baltimore City may constitute a quorum at any meeting held under the provisions of this sub-division of this Article, and may exercise all the powers reposed in the said Judges.

**618.** In all criminal cases in which the person indicted has or may have the right of peremptory challenge, the State's Attorney shall have the right to challenge peremptorily any number of jurors not exceeding five.

**619.** The Grand Jury shall at each term of the court visit the jail, and inquire into its condition, the manner in which it is kept and the treatment of the prisoners, and report the same to the court.

**620.** All the provisions of this sub-division of this Article relating to the mode of drawing and summoning jurors shall be construed as directory merely, and no indictment or presentment for any felony or misdemeanor shall be quashed, nor shall any judgment upon any indictment or presentment, whether after verdict, by confession or otherwise, be stayed or reversed, nor shall any challenge to the array of jurors be allowed because of any failure by the Judges, or the clerks, or the Sheriff, to comply with the provisions of law relating to the drawing of

jurors in the City of Baltimore; *provided*, nevertheless, that if any officer concerned in the drawing of said jurors shall wilfully neglect to perform any duty imposed upon him by law, he shall be liable to indictment in the Criminal Court of Baltimore, and upon conviction shall be fined the sum of one thousand dollars.

*Pay of Jurors.*

**621.** Jurors in any of the courts of the City of Baltimore shall receive one dollar and a-half per day for each and every day they shall attend the several courts of this State in said City as jurors; and it shall be the duty of the clerk of the court to which the jurors shall be summoned, to furnish on the day their services shall terminate, to each juror, a certificate, showing the days he has been in attendance on the court, and the amount payable to him for such service; and the City Register shall pay the jurors the sums payable for such service in cash, and immediately upon the presentation and surrender of such certificate, with the receipt of the juror, and said payment shall not be demanded save upon the surrender of said certificates, and the said certificates shall not be the subject of assignment.

*Volunteer Militia Exempt from Jury Duty.*

**622.** All certificates of membership of any legally organized volunteer company of the militia shall be signed by the commanding officer thereof, which certificates shall be issued on or before the first day of April in each year to such persons as may then compose the uniformed and active members of said company; every such company may receive and have as many honorary members as it has active and uniformed members, and no more, on payment, in advance, by each person desiring to become such honorary member, of not less than ten dollars per annum; which said money shall be received by the commanding officer of the company, and be by him applied to the payment of armory rent or the purchase of uniforms for the rank and file of the active members of his company, or to such purposes as may be authorized by the by-laws of said company; and the commanding officer of every company shall, on or be-

fore the first day of June and December of every year, render to the Adjutant General an account of the money so received and expended by him, and every such honorary member shall be entitled to receive a certificate of honorary membership of the company, to be signed as aforesaid, and bearing date at the time of its issue; which certificates of membership, whether of uniformed and active members or of honorary members, shall exempt the person therein named from jury duty for the period of one year from the date of his said certificate; *provided*, he files his said certificate with the clerk of the court before the drawing of the jury.

#### JUSTICES OF THE PEACE AND CONSTABLES.

**623.** The Governor, by and with the advice and consent of the Senate, shall appoint seven Justices of the Peace from the first legislative district of Baltimore City, one from each of the wards thereof, and three Justices of the Peace at large from said district; seven Justices of the Peace from the second legislative district of Baltimore City, one from each of the wards thereof, also five Justices of the Peace at large from said second legislative district; eight Justices of the Peace from the third legislative district of Baltimore City, one from each of the wards thereof, and five Justices of the Peace at large from said district; and twelve Justices of the Peace from the City of Baltimore at large, who shall be appointed from such ward or wards as the Governor may elect or determine.

**624.** Each of said Justices of the Peace before entering upon the duties of his office shall give to the State of Maryland a good and sufficient bond, with a surety or sureties to be approved by the Judge of the Superior Court of Baltimore City, in the penalty of five thousand dollars, with conditions that he will truly and faithfully discharge, execute and perform all and singular the duties and obligations of the office of Justice of the Peace, and that he will account for and pay over to the Clerk of the Court of Common Pleas and to the Register of the City of Baltimore, respectively, all fines, penalties and forfeitures, or the portion thereof which he is bound to account for and pay over to said respective officers, and that he will faith-

fully and truly account for and pay over to the person or corporation entitled to receive the same, all money belonging to such person or corporation which may come into his hands as such Justice of the Peace.

**625.** The Justices of the Peace for said City shall keep their places of official business open each and every day (Sunday excepted), from the hour of eight o'clock in the forenoon until one o'clock in the afternoon, and from three o'clock in the afternoon until six o'clock in the afternoon.

**626.** No Justice of the Peace, in any case of debt or damages whatever, shall issue a summons, except on application for the same by the plaintiff or his attorney in person, or in writing accompanied with the cause of action in said case; nor an execution, except upon the order, in person or in writing, of the plaintiff or his attorney; and if any Justice of the Peace for said City shall issue a summons or execution contrary hereto, or if any constable shall serve the same knowingly, such justice or constable shall be liable to indictment in the Criminal Court of Baltimore, and on conviction shall be disqualified from holding his office.

**627.** Every writ of replevin or summons issued by said Justice shall be made returnable before the same or any Justice of the Peace of the ward in which the defendant may reside, and the defendant shall have his election to have his case tried before the Justice who issued the writ of replevin or summons, or before the Justice of the ward in which he resides.

**628.** The Justices of said City when called out of their offices on business not judicial, may receive such compensation for their services, in addition to their fees of office, as the party requiring their services may allow them.

**629.** Each of the Justices of the Peace appointed for any legislative district shall keep his office within the limits of the legislative district for which he may have been appointed, except as provided in the succeeding section.

**630.** It shall be the duty of the Governor, after the appointments of the Justices of the Peace, provided for in section 623, to select from the Justices of the Peace so appointed, a Justice of the Peace to sit at each station house in the City of Baltimore, and in addition, one Justice of the Peace to act at such times and places as is hereinafter provided for; each Justice so selected, shall keep his office at the station house for which he was appointed, and shall attend at such station house from nine o'clock A. M. until twelve o'clock M., in every day in the week, except Sunday, and from two o'clock P. M. until four o'clock P. M., in every day, except Sunday; and on every Sunday in each year, shall attend at the station house for which he was appointed, from nine o'clock A. M. until eleven o'clock A. M.; and at each of said respective sittings, hereinbefore provided for, shall perform all the duties which he is required by law to perform; the attendance at any station house of the additional Justice of the Peace shall be regulated and controlled by the Board of Police Commissioners for the City of Baltimore or by the State's Attorney for Baltimore City; the said respective Justices of the Peace, as selected, to sit at any station house in the City of Baltimore, shall transact no other business at such station house, except the business required of them by the seven preceding sections to be by them, respectively, performed at each station house.

**631.** Where there is an arrest by an officer of the Police Department in the City of Baltimore of any person for violation of an ordinance of the Mayor and City Council of Baltimore or a statute of the General Assembly of the State of Maryland, punishable by fine and not by imprisonment, during the hours when the Police Magistrates are not at their respective station houses, the police captain, lieutenant or other officer on duty and in charge of such station is hereby authorized and empowered to release for the next hearing before the Police Magistrate any person so arrested upon a deposit of an amount equal to the fine or costs or penalty imposed if found guilty, as surety for such appearance, and after the hearing the deposit is to be returned to the depositor if the complaint is dismissed, if otherwise it is to be appropriated as designated by law.

**632.** It shall be the duty of each Justice of the Peace so selected to sit at any station house in the City of Baltimore to hear all charges made against any person because of the alleged commission by such person of any criminal offence; it shall be the duty of said Justices to examine carefully into every such charge, to the end that while justice shall be done, no person shall be subjected to costs or imprisonment without sufficient cause; each of the said Justices of the Peace shall have power to hear, try and determine the case of every person who may be arrested and brought before him in the said City of Baltimore, charged with being a tramp, who is or may be punishable as such under sections 275 and 276 of Article 27 of the Code of Public General Laws, title "Crimes and Punishments;" and to hear, try and determine the cases of all persons arrested and brought before him charged with any offence specified in sections 67 and 68 of the same Article, or in sections 881 to 884 of this Article, relating to "Vagrant Children;" and to hear, try and determine the cases of all persons brought before him charged with assault or with assault and battery; and to hear, try and determine all charges of carrying concealed weapons, and all prosecutions or criminal proceedings for an act done or omitted to be done in the City of Baltimore, the doing of which act or the omission to do which act, which is or may be punishable under any Act of Assembly of this State or under any ordinance of the Mayor and City Council of Baltimore, by pecuniary fine only not exceeding one hundred dollars; but it shall be the duty of the said Justice, before proceeding to hear, try and determine any of the charges aforesaid, to inform the party or parties charged therewith of his or their respective right to a jury trial; and if a jury trial be so prayed, or if the State's Attorney for said City shall before trial for the alleged offence pray a jury trial on the part of the State, the Justice shall forthwith commit or hold the party to bail for trial in the Criminal Court of Baltimore and endorse on the commitment or recognizance the fact of a jury trial having been prayed; it is, however, hereby expressly provided that the said Justices shall not have power to try and determine any violation of the Code of Public General Laws of this State relating to licenses, except violations of the laws relating to hawkers and peddlers, which they shall have jurisdiction to try and de-

termine, and shall not have power to try and determine any violations of the laws relating to Sabbath-breaking, but shall cause all such offenders against the said provisions of said Code of Public General Laws, except as aforesaid, to be committed or held to bail for trial in the Criminal Court of Baltimore.

**633.** In all criminal prosecutions or proceedings which, under the provisions of the preceding section, may be heard, tried and determined before a Justice of the Peace sitting at a station house in the City of Baltimore, it shall be the duty of such Justice of the Peace before whom such case is tried, in the event of the conviction of the accused at the said trial, to impose upon the said accused so convicted, the fine, or the fine and punishment prescribed in case of such conviction by the Act of Assembly of this State, or by the ordinance of the Mayor and City Council of Baltimore, for the violation of which the accused was so tried. Any person sentenced to the payment of any fine, and to the payment of the costs of his prosecution, who shall not forthwith pay the said fine and the costs of said prosecution, shall be committed by such Justice of the Peace to the jail of Baltimore City until such fine and costs are paid, or until the said person shall be discharged from such jail by due course of law.

**634.** When a person charged with any offence referred to in this sub-division of this Article, or the State's Attorney, shall pray a jury trial, the Justice of the Peace shall, in addition to his duties prescribed in section 632, endorse upon said commitment or recognizance the names and residences of the witnesses for the prosecution; and such commitment or recognizance so endorsed shall be returned forthwith to the Clerk of the said Criminal Court of Baltimore.

**635.** The Justice of the Peace, so selected to sit at any station house, may be changed from time to time by the Governor, at his discretion, and any other Justice of the Peace may be selected by the Governor to perform the said duties at said station house.

**636.** Each Justice of the Peace selected to sit at a station house in the City of Baltimore shall receive the sum of one hundred and seventy-five dollars per month, or a proportionable part thereof, so long as he shall continue to act at a station house in said City, under the selection of the Governor; which sum of money shall be paid to him by the City Register at the end of each month of his said service, or a proportionable part thereof, at the end of any portion of a month at which the service of such Justice of the Peace\* at said station house may terminate, upon the certificate of the Board of Police Commissioners of Baltimore City, that such service has been rendered under the appointment of the Governor as aforesaid; and no Justice of the Peace selected for a station house shall be permitted to charge any fee, or receive any gratuity for granting any release, or for the performance of any duty required by law.

**637.** If any Justice of the Peace who has been selected as aforesaid to sit at any station house in the City of Baltimore is unable, by reason of sickness or other unavoidable cause, to attend to his duty at said station house, or fails to attend at said station house, at any time, when his presence is there required, it shall be the duty of the Board of Police Commissioners of Baltimore City to require another Justice of the Peace to perform the duties at said station house, of the said Justice of the Peace so sick or absent; and it shall be the duty of the Justice of the Peace so required to perform said duties at said station house, to perform the same so long as may be necessary, or until the Governor shall select another Justice to perform said duties; the Justice of the Peace so required to perform said duties at said station house, by the said Board of Police Commissioners, in place of the Justice selected by the Governor, shall receive six dollars per day for every day he shall actually serve at such station house; which pay shall be deducted from the pay provided to be paid to the Justice selected to sit at such station house and failing to attend; *provided*, that said pay of the said Justice who may sit in the absence of the Justice so selected to sit at any station house, shall not be deducted from the pay of the said last-named Justice, if the said Board of



Police Commissioners shall certify that such absence was by reason of his necessary attendance upon any court or Justice of the Peace of said State, under its process, nor when such absence shall not exceed fifteen days in the course of any one year, and when the said Board of Police Commissioners shall certify that such last-named absence, not exceeding fifteen days, as aforesaid, was occasioned by sickness or other unavoidable cause.

**638.** The said station-house Justices are granted a leave of absence, with pay, for fifteen days during each and every year; and the Board of Police Commissioners are authorized to designate one of the civil magistrates to act in their place during said absence, who shall be paid the same as the station-house Justices receive.

**639.** No Justice of the Peace appointed under the provisions of section 623 shall be paid by the City of Baltimore any fee for issuing any State writ, or for any search warrant, or for taking the recognizance of any witness, or for taking any recognizance in any case reported to court, or for any commitment or release, or for issuing any *subpoena* in any criminal case, or in any case instituted to recover any fine, penalty or forfeiture claimed by the State of Maryland, or by the Mayor and City Council of Baltimore; and no police officer or constable shall be paid by the Mayor and City Council of Baltimore any fee for the service of any *subpoena* or process in any criminal case, before any Justice of the Peace, or for service of any *subpoena* or process in any case pending before any Justice of the Peace, for the recovery of any fine, forfeiture or penalty by the State of Maryland or by the Mayor and City Council of Baltimore.

**640.** It shall be the duty of the officers of police, policemen and detectives appointed by the Board of Police Commissioners of Baltimore City, to serve and execute any and all writs, warrants, *subpoenas* and commitments, which may be issued by any Justice of the Peace selected to sit at the station houses in the City of Baltimore as hereinbefore provided.

**641.** Whenever any Justice of the Peace appointed under the provisions of this sub-division of this Article other than one of the Justices selected as aforesaid to sit at a station house as aforesaid, shall issue a State writ for the arrest of any person, or shall issue any writ or summons against any person or corporation to recover any fine, penalty, or forfeiture, under any law of this State, or under any ordinance of the Mayor and City Council of Baltimore, such writ or summons shall be made returnable before one of the Justices of the Peace selected by the Governor to sit at a station house in the City of Baltimore, and shall not be made returnable before the Justice of the Peace issuing the same, unless he be one of the Justices of the Peace selected to sit at a station house as aforesaid.

**642.** Whenever any person shall be arrested upon any criminal charge, or for the violation of any law of this State, or of any ordinance of the Mayor and City Council of Baltimore, it shall be the duty of the police officer or constable making such arrest, or in whose custody the said person so arrested may be, to take the person so arrested before the Justice of the Peace sitting at a station house who may have issued the writ or warrant for such arrest, or before whom such writ or warrant of arrest is made returnable; but if such arrest is made without writ or warrant, or if such writ or warrant is made returnable before another Justice than a Justice of the Peace sitting at a station house, it shall be the duty of the said police officer or constable to take the person so arrested to the nearest station house; and the Justice of the Peace sitting at said station house shall take jurisdiction in said case.

**643.** Every Justice of the Peace appointed under the provisions of this sub-division of this Article, shall file with the Clerk of the Court of Common Pleas, on the first day of April, July, October and January, in each and every year, an account verified by his oath or affirmation, of all fines, forfeitures and penalties imposed by him under the laws of this State, during the three preceding months; which said account shall show the

names of the respective defendants, the Acts of Assembly under which said fines, forfeitures and penalties were respectively imposed, and the amounts paid in each case by the said respective defendants; and the said Justice of the Peace, at the time of filing said account, shall pay over to the said clerk the amount of said fines, penalties and forfeitures so received, or the portion thereof to which the State of Maryland is entitled, to be accounted for by said clerk as other moneys of the State are accounted for by him.

**644.** Every Justice of the Peace appointed under the provisions of this sub-division of this Article shall file with the City Register, on the first day of April, July, October and January in each and every year, an account verified by his oath or affirmation, of all fines, forfeitures and penalties imposed by him under the ordinances of the Mayor and City Council of Baltimore during the three preceding months; which said accounts shall show the names of the respective defendants, the ordinances under which said fines, penalties or forfeitures were, respectively, imposed, and the amounts paid in each case by said respective defendants; and the said Justice of the Peace at the time of filing said account shall pay over to the said Register the amount of said fines, penalties and forfeitures so received, or the portion thereof to which the Mayor and City Council of Baltimore is entitled to be accounted for by said Register as other moneys of the said City are accounted for by him.

**645.** If any Justice of the Peace shall not have imposed or received any such fines, forfeitures or penalties, or any portion thereof, as are mentioned and described in the said two preceding sections, in the said three months preceding the time hereinbefore prescribed for filing said accounts, he shall file an affidavit or affirmation to that effect at the time prescribed for filing said accounts.

**646.** All costs paid to any Justice of the Peace sitting at any station house shall be accounted for and paid by said Justice to the Board of Police Commissioners of Baltimore City, to be by them applied as directed by section 750 of this sub-division of this Article.

**647.** It shall not be lawful for the Justices of the Peace of the City of Baltimore to take *supersedeas* of any judgment recovered in the Court of Common Pleas, the Superior Court of Baltimore City, or Baltimore City Court, or any decree of the Circuit Court or Circuit Court Number Two of Baltimore City, but such *supersedeas* shall be taken by the clerks of said courts, respectively.

**648.** If a Justice of the Peace in Baltimore City dies, resigns or is removed, his docket and papers shall be delivered to the Clerk of the City Court within thirty days thereafter.

**649.** If any Justice of the Peace or constable appointed under the provisions of this sub-division of this Article be convicted in a court of law, of any misdemeanor in office, his removal from said office shall be part of the sentence or judgment pronounced upon him by the said court. No constable shall deputize any person to act in the service of any writ whatever for or in his behalf.

#### LANDLORD AND TENANT.

**650.** In all cases of any demise or agreement for rental, express or implied, verbal or written, hereafter to be made of lands or tenements, whether real estate or chattels real, within the limits of the City of Baltimore, for less term than three calendar months, the remedy of distress for rent due be and the same is hereby taken away and altogether superseded.

**651.** Whenever the tenant under any such demise or agreement of rental, express or implied, verbal or written, of lands

or tenements, whether real estate or chattels real within the limits of the City of Baltimore, shall fail to pay the rent thereunder when due and payable, it shall be lawful for the lessor to have again and re-possess the premises so rented.

**652.** Whenever any lessor shall desire to have again and re-possess any premises to which he is entitled under the provisions of the preceding section, he, or his duly qualified agent or attorney, shall make his written complaint under oath or affirmation, before any Justice of the Peace of the City of Baltimore, and describing therein in general terms the property sought to be had again and re-possessed as aforesaid, and also setting forth the name of the tenant to whom the same is rented, or his assignee or under tenant or tenants, with the amount of rent thereon due and unpaid; and praying by warrant to have again and re-possess the premises, together with judgment for the amount of rent due and costs; and it shall thereupon be the duty of said Justice of the Peace forthwith to issue his summons, directed to any constable of the City of Baltimore, and ordering him to notify said tenant, assignee or under tenant forthwith to appear before the said Justice of the Peace, at the trial to be held on the second day after the filing said complaint, to show cause why the prayer of said lessor should not be granted as aforesaid, and the said constable shall forthwith proceed to serve said summons upon said tenant, assignee or under tenant in said premises, or upon his or their known or authorized agent, but if for any reason, neither said tenant, assignee or under tenant, nor his or their agent can be found, then said constable shall affix an attested copy of said summons conspicuously upon said premises, and such affixing of said summons shall, for the purposes of this sub-division of this Article, be deemed and construed a sufficient service upon all persons whomsoever.

**653.** If at the trial on the second day aforesaid, the Justice of the Peace shall be satisfied the interest of justice will be better served by an adjournment to enable either party to procure his

necessary witnesses, he may adjourn the trial for a period not exceeding one day, except by consent of all parties, and if at said trial or due adjournment thereof as aforesaid, it shall appear to the satisfaction of the Justice of the Peace before whom said complaint has been made and tried as aforesaid, that the rent or any part of the rent for said premises is actually due and unpaid, then the said Justice of the Peace shall give judgment in favor of said lessor for the amount of rent found due, with costs of suit, and shall order that said tenant and all persons claiming or holding by or under said tenant shall yield and render up possession of said premises unto said lessor, or unto his duly qualified agent or attorney within two days thereafter; *provided*, however, that if the said tenant, or some one for him, shall at said trial or due adjournment thereof as aforesaid, tender the rent found to be due and unpaid, together with the costs of said suit, the said complaint shall be entered satisfied and no further proceedings shall be had thereunder.

**654.** In case judgment shall be given in favor of said lessor in the manner aforesaid, and the tenant shall fail to comply with the requirements of the said order within two days aforesaid, the said Justice of the Peace shall, on or at any time after the expiration of said two days, issue his warrant, directed to any constable of the City of Baltimore, that the lessor may elect, ordering him to cause said lessor to have again and re-possess said premises by putting him (or his duly qualified agent or attorney for his benefit) in possession thereof, and for that purpose to remove from said premises, by force if necessary, all the furniture, implements, tools, goods, effects or other chattels of every description whatsoever belonging to said tenant, or to any person claiming or holding by or under said tenant.

**655.** The tenant may appeal from the judgment of the Justice of the Peace to the Baltimore City Court, at any time within two days from the rendition of such judgment; the tenant in order to stay any execution of the judgment, shall give a bond to the landlord with one or more securities, who are owners of sufficient leasehold or real estate in Baltimore City, with con-

dition to prosecute the appeal with effect, and answer to the landlord, his executors, administrators, in all costs and damages mentioned in the judgment, and such other damages as shall be incurred and sustained by reason of said appeal; the aforesaid bond shall not affect in any manner the right of the lessor to proceed against said tenant, assignee or under tenant for any and all rents that may become due and payable to the lessor after the rendition of said judgment.

**656.** The fee and charges of the Justice of the Peace and constables under this Article shall be the following and no other: "First costs," to the Justice of the Peace for preparing the written complaint and taking the affidavit of the plaintiff there-to, twenty-five cents, and for issuing the summons to the tenant and preparing attested copy, twenty-five cents; "second costs," for every judgment rendered where there is no trial, twenty-five cents; for every judgment rendered on trial, fifty cents, and ten cents additional for every witness sworn or examined; "third costs," for preparing and taking the bond of tenant in case of appeal, twenty-five cents; for the warrant for re-entry (in case it be issued), twenty-five cents; "first costs," to the constable for serving the summons, forty cents; "second costs," for executing the warrant for re-entry, one dollar; and any Justice of the Peace or constable who shall charge or receive more than the actual fees prescribed for each specific act performed as the case proceeds, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to and pay a fine or penalty of not less than one hundred dollars or more than three hundred dollars for each offence, one-half thereof for the use of the State, and the other half thereof to the person that shall first prefer the charge against such offender.

#### LEGISLATIVE DISTRICTS.

**657.** The First Legislative District of Baltimore City shall be and consist of the wards numbered from one to eight, both inclusive, as said wards were laid out and numbered under the provisions of the Act of 1898, chapter 10, approved February

19, 1898 ; the Second Legislative District of Baltimore City shall be and consist of the wards numbered from nine to sixteen, both inclusive, as said wards were laid out and numbered under the provisions of the Act of 1898, as aforesaid ; and the Third Legislative District of Baltimore City shall be and consist of the wards numbered from seventeen to twenty-four, both inclusive, as said wards were laid out and numbered under the provisions of the Act of 1898, as aforesaid.

#### LICENSES.

##### *Billiards.*

**658.** A license may be granted to any person who may apply for permission to keep a billiard table, for which license there shall be paid the sum of fifty dollars, and for every additional billiard table kept by the same person, he shall pay a license of twenty-five dollars; *provided*, that all said additional tables shall be kept in the same apartment; and *provided*, that this section shall not apply to any billiard table kept for private use.

**659.** Any person keeping or exhibiting for use a billiard table, without first obtaining a license therefor, shall for each and every table so kept or exhibited, forfeit and pay the sum of five hundred dollars, one-half to the informer and the other half to the State.

**660.** Nothing contained in the two preceding sections shall impair the right of the Mayor and City Council of Baltimore to impose a further tax on billiard tables.

##### *Horse Dealers.*

**661.** It shall not be lawful for any person, copartnership, firm, corporation, joint stock company, brokers, commission merchants, agents, factors or other association of persons, to engage in or carry on the business, trade, occupation or calling of bartering, buying, selling, exchanging or dealing in horses.



mares, geldings, jackasses, jennies or mules, either as an individual, copartnership, firm, corporation, joint stock company, commission merchant, agent, factor, broker, or other association for said purpose, without first obtaining from the Clerk of the Court of Common Pleas of Baltimore City a license for carrying on said business, for which every such person, if he desires to carry on said business individually, or if a firm or association, composed of not more than two persons, or corporation, shall pay the sum of fifty dollars; *provided*, that all the names and places of business of said persons so applying shall be inserted in said license; and if more than two individuals constitute and compose any such firm, copartnership, joint stock company or association, then an additional sum of twenty-five dollars shall be paid for each and every other individual than the said two constituting such firm, copartnership, joint stock company or association, of individuals; and *provided* further, that the said business shall not be carried on in any of the streets, lanes and alleys of the City of Baltimore.

**662.** Any person, and the individual members of any copartnership or firm, the stockholders of any joint stock company or corporation, and any commission merchant, agent, factor, broker, or the individuals of any other association of persons so engaged in or carrying on the business, trade, occupation or calling of bartering, buying, selling, exchanging or dealing in horses, mares, geldings, jackasses, jennies or mules, who or which shall violate any of the provisions of the preceding section, shall be liable to indictment therefor, and upon conviction thereof shall be fined one hundred dollars for each and every offence, one-half thereof for the use of the State and the other half thereof to the informer; *provided*, however, that nothing contained in this or the preceding section shall be construed to prevent breeders and owners of horses, mares, geldings, jackasses, jennies or mules, and owners residing in the counties of this State and doing business elsewhere than in the City of Baltimore, and all owners who do not follow the business, trade, occupation or calling of buying, vending, bartering, exchanging or dealing in horses, mares, geldings, jackasses, jennies or mules, from offering the same for sale, barter

or exchange, or making sale of, bartering or exchanging such horses, mares, geldings, jackasses, jennies or mules, as they shall bring to the City of Baltimore, without a license; and nothing contained in this or the preceding section shall be held to apply to regularly licensed auctioneers in the City of Baltimore.

**663.** Any person or body corporate, owning or renting from the owner or his agent, any building or enclosure within the corporation limits of Baltimore City, and using the same in buying, selling, trading, exchanging, bartering or dealing in horses, geldings, mares or mules, or using the same in exhibiting or exposing for sale, trade, exchange or barter, horses, geldings, mares or mules, shall be deemed to be engaged in the business, trade, occupation and calling of buying, selling, trading, exchanging, bartering and dealing in horses, geldings, mares and mules, under the two preceding sections, and be held liable for a violation of any of its provisions.

*Liquors and Intoxicating Drinks.*

**664.** It shall not be lawful for the Clerk of the Court of Common Pleas to issue license to any person to sell spirituous or fermented liquors or lager beer at Mount Vernon factories, or at any place within three-fourths of a mile thereof, or on Madison avenue extended.

**665.** It shall not be lawful for the Clerk of the Court of Common Pleas to issue license to any person to sell spirituous or fermented liquors or lager beer at Woodberry factory, or at any place nearer thereto than three-fourths of a mile in every direction.

**666.** It shall not be lawful for the Clerk of the Court of Common Pleas to issue license to any person to sell spirituous or fermented liquors or lager beer in any part of the following district, to wit: In all that part of Baltimore City bounded on the east by Mount Royal terrace, on the south by North or

Boundary avenue, on the west by Druid Hill avenue extended, and on the north by Druid Hill Park.

**667.** No person shall offer for sale or keep for sale in the City of Baltimore any intoxicating liquors, except as hereinafter provided, but this shall not apply to sales made by a person under a provision of law requiring him to sell personal property, nor to sales of liquors by wholesale, nor to sales by the maker, brewer or distiller thereof, nor to sales by bottlers of fermented liquors, not to be drunk on the premises; save and except as hereinafter specially provided in reference to wholesale dealers and jobbers, brewers, distillers and bottlers, in section 688, wherein the rights and duties of said classes of persons are set forth and defined. Wherever the term intoxicating liquors is used in this sub-division of this Article, it shall be deemed to include whiskey, brandy, rum, gin, wine, ale, beer and all other fermented and distilled liquors, and every mixture of liquors which shall contain more than two per cent. by weight of alcohol, and every mixture of liquors which shall contain less than two per cent. of alcohol if the same shall be intoxicating. Nothing in this sub-division of this Article shall be construed to authorize the sale of any intoxicating liquor or any admixture thereof in any part of said City where such sale is or shall hereafter be prohibited by special law.

**668.** The Governor, by and with the advice and consent of the Senate, shall appoint three persons who shall constitute a Board of Liquor License Commissioners for Baltimore City, who shall hold office for two years, and until their successors are appointed and qualified; and their duties shall be such as hereinafter prescribed; *provided*, however, that the Liquor License Commissioners appointed in April, eighteen hundred and ninety, shall continue in office until the expiration of the term for which they were appointed.

**669.** Said Board shall appoint such clerk or clerks and counsel as the proper transaction of the business of the Board shall require; and shall keep a full record of all applications

for license, of all recommendations for and remonstrances against the granting of licenses, and their action thereon; and the vote of the members of said Board, by yeas and nays, shall be taken on the question of granting or refusing every application for license, and said records of said Board shall at all suitable times be open to the inspection of the public; all necessary books and stationery shall be furnished by the Mayor and City Council of Baltimore, and all salaries and expenses incident to the business of the Board shall be paid by said Mayor and City Council of Baltimore.

**670.** The said Board shall fix the salaries of all clerks and counsel appointed by them for the performance of the duties imposed by this sub-division of this Article; any members of said Board shall each receive a salary of two thousand dollars annually, to be paid as the salaries of the officers of the City of Baltimore are paid.

**671.** No licenses to sell intoxicating liquors, other than by wholesale traders, distillers, brewers, rectifiers and bottlers of fermented liquors, shall be granted in the City of Baltimore except by said Board, and only to citizens of the United States of temperate habits and good moral character, who have complied with the requisites of this sub-division of this Article.

**672.** That all licenses to sell spirituous or fermented liquors shall expire on the first day of May next ensuing the date of their issue, and shall be issued for twelve or six months only, and for no other periods of time; all twelve months' licenses shall be granted to begin only from the first day of May in the year of their issue, and all six months' licenses shall be granted to begin only from the first day of November, and from no other time, in the year of their issue; and all applications shall be filed before the first day of May or the first day of November, respectively; *provided*, however, that for the twelve months' licenses two hundred and fifty dollars shall be paid, and for the six months' license one hundred and twenty-five dollars shall be paid; and provided further, that nothing in this section shall be construed to affect the transfer of licenses as now provided in this law.

**673.** Every person applying for a license to sell intoxicating liquors in said City shall file with the said Board his, her or their petition for such license, and said Board shall cause notification of said petition to be published three times in two newspapers of general circulation in said City to be designated by said Board, the first publication to be not less than fifteen nor more than thirty days before the time fixed by the Board for action on the said petition.

**674.** Said petition shall contain the name and residence of the applicant, and how long he has resided there. 2d. The particular place for which a license is desired, designating the same by street and number, if practicable, and if not, by such other apt description as definitely locates it. 3d. The name of the owner of the premises upon which the business licensed is to be carried on. 4th. A statement that the applicant is a citizen of the United States, and that it is necessary for the accommodation of the public that the place should be licensed. 5th. That the applicants have not, nor has any of them had a license for the sale of intoxicating liquors in this State revoked, nor has been convicted of any crime within one year preceding the filing of said petition. 6th. That he or she will not knowingly sell, or allow to be sold in the said house or on the said premises any such liquors on Sunday or on election days, or to minors at any time, or allow a minor to drink in said house or on said premises; that he or she will not keep, or permit to be kept, a bawdy house in the said house or on the said premises, or the gathering together in or the visitation to said house or premises of women for lewd or immoral purposes. 7th. This petition must be verified by the affidavit of the petitioner, made before a Justice of the Peace; if any false statement is made in any part of said petition, the petitioner or petitioners shall be deemed guilty of perjury, and upon indictment and conviction thereof, his license shall be revoked and he shall be subject to the penalties provided by law for that crime.

**675.** There shall be annexed to this petition a certificate signed by at least ten respectable qualified voters residing or

doing business in the ward in which the petitioner asks to do business, stating the residence or place of business of each person, certifying and setting forth that they have been acquainted with the petitioner or petitioners for (specifying the length of such acquaintance), that they have good reason to believe that all the statements contained in the petition are true, and they, therefore, pray that the prayer of said petition be granted, and the license issued as prayed for.

**676.** The said Board shall publicly hear petitions from residents of the ward or persons living or doing business in the vicinity of the place for which license is prayed, in addition to that of the petitioner, in favor of, and remonstrance against the granting of said license; and in all cases shall refuse the same, whenever, in the opinion of the said Board such license is not necessary for the accommodation of the public, or the petitioner or petitioners is or are not fit persons to whom such license should be granted; and if sufficient cause shall at any time be shown, or proof be made to the said Board, that the party licensed was guilty of any fraud in procuring such license, or has violated any law of the State relating to the sales of intoxicating liquor, the said Board shall, after giving notice to the person so licensed, revoke said license; and the Criminal Court of the City may in like manner revoke said license if the party should be convicted before it of any such violation.

**677.** No license shall be issued to any person or persons until he, she or they shall have paid the license fees provided for in this sub-division of this Article.

**678.** If, after the notice and hearing provided for in this sub-division of this Article, the said Board should decide to grant the license prayed for, they shall notify the applicant of such decision in writing, and the applicant shall thereupon pay to the clerk of the Court of Common Pleas the sum of money specified below, to wit: For a hotel or restaurant or other place in which distilled liquors or any admixture of distilled liquors containing more than fifteen per cent. of alcohol, or fermented liquors containing less than fifteen per cent. of alcohol, are sold by retail, by the drink, or in quantities or packages not

exceeding five gallons of any spirituous or fermented liquor except lager beer, and not exceeding one keg of eight gallons or less of lager beer, to be drunk on the premises or not, as desired by the purchaser, the sum of two hundred and fifty dollars; and the clerk of the Court of Common Pleas shall thereupon issue to applicants the license authorized to be issued by said Board; *provided*, that any *bona fide* retail grocer who shall make application to said Board therefor, may be licensed by said Board in their discretion, upon complying with the conditions of this Act, to sell wines, spirituous and fermented liquors, as aforesaid, in quantities or packages not less than one pint, but in no case to be drunk on the premises, and shall pay for such license the sum of two hundred and fifty dollars a year, and in no case shall a license to sell intoxicating liquors by the drink be granted to any person who shall obtain a license to sell goods, wares or merchandise, other than intoxicating liquors, upon the same premises where such intoxicating liquors are licensed to be sold, but licensed saloon-keepers may also sell tobacco and non-alcoholic beverages; *provided, further*, that no retail license shall be issued to any distiller or brewer.

**679.** The whole of the money received by the Clerk of the Court of Common Pleas for the licenses aforesaid, shall be paid over quarterly by said Clerk of the Court of Common Pleas to the State as now provided by law, and when so paid over, the Comptroller of the Treasury shall draw his warrant upon the Treasurer in favor of the Mayor and City Council of Baltimore for three-fourths thereof, to be applied to the general use of said City.

**680.** Every person receiving a license under this sub-division of this Article shall frame his license under a glass, and place the same so that it shall at all times be conspicuous and easily read, in his chief place of making his sales, and no license issued under this sub-division of this Article shall authorize sales by any person who shall neglect this requirement.

**681.** No licensee under the provisions of this sub-division of this Article shall sell or furnish any intoxicating liquors at

any time to a minor, either for his or her own use, or for the use of any other person, or to a drunkard, or to any person whose parent, guardian, husband, wife or child shall have given to such licensee a notice in writing, verified by affidavit, that such person is of intemperate habits, and requesting such licensee not to sell to him or her, or to a person visibly affected by intoxicating drinks.

**682.** No licensee under this sub-division of this Article shall sell or furnish to any person intoxicating liquors on any days upon which elections are now or hereafter may be required by law to be held; nor on the Lord's Day, commonly called Sunday, except that if the licensee is a hotel keeper he may supply such liquors, to be drunk in their rooms or with their meals, to *bona fide* guests; nor between the hours of twelve o'clock midnight and five o'clock A. M. at any time; nor, except in hotels, shall conduct his business in any place to which an entrance shall be allowed other than directly from a public traveled way; *provided*, however, that any licensed dealer may, with the permission of the Board of Police Commissioners at any *bona fide* entertainment of any society, club or corporation, sell intoxicating liquors between such hours as the Board aforesaid may designate in said permit.

**683.** Druggists and apothecaries shall not be required to obtain license under the provisions of this sub-division of this Article, but they shall not sell intoxicating liquors, nor compound or mix any composition thereof, except upon the written prescription of a regular physician; nor more than once on any one prescription of the physician; and every druggist or apothecary shall keep a book for the special purpose and enter therein the date of every sale of intoxicating liquor made by him, the person to whom sold, the kind, quantity and price thereof, and the purpose for which it was sold, and such book shall be at all times open to the said Board, or of any person designated and authorized by them to make such inspection, and shall be produced before such Board when required; and any failure to comply with the provisions of this section shall



render such druggist or apothecary so failing liable to the same penalties as if he had sold intoxicating liquors without a license.

**684.** Any person who shall hereafter be convicted of selling intoxicating liquors, or any admixture thereof, in the City of Baltimore, without a license under the provisions of this sub-division of this Article, shall be sentenced to pay a fine of not less than five hundred dollars nor more than five thousand dollars, or undergo imprisonment in the jail of said City, or in the House of Correction of not less than three months, nor more than twelve months, or to both fine and imprisonment, at the discretion of the court.

**685.** Any person having a license under the provisions of this sub-division of this Article who shall hereafter be convicted of violating any of the provisions of this sub-division of this Article or of the conditions of his license, shall be subject to a fine of not less than one hundred or more than five hundred dollars ; and for any second offence, whereof he shall be convicted, his license shall be vacated and revoked, and he shall be subjected to a fine of not less than five hundred nor more than one thousand dollars, or to imprisonment in the jail or the House of Correction for not less than three months, nor more than twelve months, or to both fine and imprisonment at the discretion of the court. The license of any person who permits minors to frequent or loiter about his place, or disreputable or disorderly persons to make it a customary place of visitation or resort, may be at any time, upon proof, revoked by the Criminal Court of Baltimore City, or by said Board, the same person shall not again be licensed within two years of the time of such revocation. Nothing in this sub-division of this Article shall be construed to repeal or modify any of the provisions contained in, or the penalties imposed by any law of this State forbidding or restricting the sale of intoxicating liquors on a day on which elections are held.

**686.** Upon complaint or allegation by any qualified voter

of Baltimore City who shall give security for the cost of prosecution, that any license has been corruptly or knowingly issued by said Board to any person who has not complied with the provisions of this sub-division of this Article, it shall be the duty of the State's Attorney to file in the Criminal Court of Baltimore City an information against said Board and against said licensee, and if it shall be found that such license was improperly issued, said license shall be revoked, and the members of said Board who voted in favor of issuing said license shall in addition to the other penalties for malfeasance in office be removed from said office.

**687.** For the purpose of all hearings and inquiries which the Board of Liquor License Commissioners are authorized to have and make, they are hereby authorized to issue summons for witnesses and administer to them oaths or affirmations, and all summons so issued shall be served by the police force of the City of Baltimore. If any witness so summoned shall refuse or neglect to attend, or attending, refuse to testify, the said Board shall report the facts to the Superior Court of Baltimore City, which is hereby authorized and directed to proceed by attachment against said witnesses in all respects as if said neglect or refusal had been by witnesses summoned to appear in said court in cases pending before it.

**688.** Distillers, brewers and wholesale dealers or jobbers shall be allowed to sell spirituous and fermented liquors in quantities or packages not less than one pint each, and in no case to be drunk on the premises; distillers and brewers shall require no license; wholesale dealers and jobbers shall be entitled to receive a license as such, to sell as above stated and not otherwise, upon applying directly to the Clerk of the Court of Common Pleas, and paying to him the sum of two hundred and fifty dollars a year therefor; but any person, copartnership or corporation (other than brewers, who, as hereinbefore stated, require no license), may be licensed to conduct a bottling business by selling fermented liquors only, and in quantities or

packages not less than twelve pint bottles, by applying directly to the Clerk of the Court of Common Pleas, and paying him the sum of forty dollars a year therefor; any person required by this section to take out a license, who shall sell or offer for sale any intoxicating liquor without having first procured such license, and any person who shall violate any of the provisions of this section, as to the manner or quantity in which he shall sell or offer for sale such liquors, whether he shall be required to take out a license or not, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars, in the discretion of the court; no license under this section shall be issued for a longer period than one year; if issued for a shorter period, the licensee shall pay for every month for which his license is to run, one-twelfth of the annual charge for such license, and all such licenses shall expire on the first day of May succeeding their issue; the whole of the money received by the Clerk of the Court of Common Pleas for the licenses aforesaid, shall be paid over quarterly by said Clerk of the Court of Common Pleas to the State as now provided by law, and when so paid over the Comptroller of the Treasury shall draw his warrant upon the Treasurer in favor of the Mayor and City Council of Baltimore for three-fourths thereof, to be applied to the general use of said City.

**689.** No hotel keeper, or ordinary keeper, shall receive a license to sell intoxicating liquors until he shall have first paid for and received a license to keep a hotel or ordinary, as provided by law.

**690.** Any holder of a license to sell intoxicating liquors at retail, by the drink or otherwise, may be permitted by said Board in their discretion to sell or assign said license to another person, to be used at the same or another place of business; or to transfer his said license to another place of business; *provided*, that the fitness and propriety of said intended purchaser or assignee, and of said intended new place of business shall be first approved by said Board upon due application therefor, recommendation by qualified voters, advertisement of same in newspapers, etc., as required in case of an original application for such license. Such sale or assignment or transfer when

granted by said Board shall be endorsed upon the license by the clerk of the Court of Common Pleas, who shall be entitled to receive a fee of fifty cents therefor, and the same shall then take effect. And whenever the said Board may be satisfied that any license has been lost or destroyed or that any licensee has transferred or assigned his license to another person, and the said transfer or assignment has been duly approved by the Board, in the manner above provided for, and the original licensee withholds said license from the person or persons to whom he has assigned or transferred the same, and refuses to deliver or surrender said license, the said Board shall have the power to revoke and cancel said original license and to issue a duplicate license in lieu thereof to such transferee upon the payment of the aforesaid fee of fifty cents, without any additional license fee. And if any license shall be in course of transfer for the same place of business, the Board shall have the power in its discretion to issue a permit to the owner or transferee of such license to conduct business thereunder until a duplicate license can be issued or said transfer duly effected. And the clerk of the Court of Common Pleas shall endorse upon such duplicate license the word "Duplicate," together with the name of the original licensee, as well as that of the transferee to whom such duplicate is granted. And in the settlement of his accounts with the Comptroller and Treasurer of the State of Maryland, the said clerk of the Court of Common Pleas shall be allowed for such duplicate licenses.

**691.** Every licensed dealer to whom the Board of Police Commissioners for the City of Baltimore shall issue a permit to sell intoxicating liquors at places of entertainment, as authorized by section 682 of this Article, shall pay the said Board of Police Commissioners one dollar for said permit, the money so paid to go into the special fund of said Board.

#### *Pawnbrokers.*

**692.** All pawnbrokers in the City of Baltimore shall keep, or cause to be kept, in a suitable book or books to be provided by them for that purpose, an accurate account showing the date of each deposit made with them in the course of their

business, and of each purchase made by them in the course of their business, of any and all personal property, so described as to identify the said personal property so deposited or sold; and showing also the sum of money advanced thereon or paid therefor, the time for which any such deposit was agreed to be kept, and the name of the depositor or seller of such personal property, and his place of business or abode; and such entries shall be made by such pawnbrokers immediately upon the making of any such transaction; such book, and the personal properties so deposited or purchased, shall be subject at all times to the inspection of such agent or officer as may be designated for that purpose by the Mayor and City Council of Baltimore, and also to the inspection of the Marshal of Police for the City of Baltimore, and of such officer as he may designate for that purpose; and all pawnbrokers who shall omit, neglect or refuse to provide and keep such book, or to enter therein forthwith as aforesaid an account of all deposits made with and purchases made by them, as aforesaid, with all the particulars thereof, as hereinbefore required, or who shall enter incorrectly in such book any such account of deposits made with them, or purchases made by them, as aforesaid, or who shall refuse to exhibit any of such books and properties so deposited or purchased, if in their possession or under their control, upon demand of any of the officers empowered or authorized as aforesaid to make such inspection, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than twenty dollars, or an imprisonment of not less than thirty days, or to both fine and imprisonment in the discretion of the court.

**693.** Before any person or body corporate shall transact the business of pawnbrokers in the City of Baltimore, he or it shall first obtain from the Clerk of the Court of Common Pleas in said City, a State's license authorizing him or it to carry on such business in the said City, for which said license he or it shall pay the sum of five hundred dollars, and in addition to this, he or it shall file with said clerk a bond to the State of Maryland, in the sum of ten thousand dollars, to be approved by said clerk, for the faithful performance of the requirements of this sub-division of this Article; and any pawn-

broker who shall violate this section by failure to file such bond, or to obtain the license as aforesaid, though continuing to transact the business of a pawnbroker, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined the sum of five hundred dollars, or be imprisoned in the City Jail for the term of six months, or both, in the discretion of the court.

*Merchandise Brokers.*

**694.** Any person or partnership applying for the same, and paying the sum of eighteen dollars and seventy-five cents for each individual or representative of such firm or partnership, may obtain a license for carrying on the business of grain broker, coffee broker, cotton broker, sugar broker, or merchandise broker.

*Real Estate Brokers.*

**695.** Any person, copartnership or firm applying for the same, and paying the sum of money herein provided, may obtain a license for carrying on the business of real estate broker in the City of Baltimore; provided, that the names of each and every person comprising any copartnership or firm applying for such license shall be inserted in said license; *provided*, that the sum of money to be paid therefor as aforesaid shall be twenty-five dollars for the first two names inserted in said license, and twenty-five dollars additional for each and every name above two inserted therein.

**696.** Any person, copartnership or firm who shall carry on the business of real estate broker, or shall undertake to act as such real estate broker by public advertisement, sign or otherwise, without such license first obtained, or who shall use or attempt to use the license of another with intent to evade the provisions of sections 695 to 699 of this Article, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to and pay a fine or penalty of not less than two hundred dollars nor more than five hundred dollars for each offence; one-half thereof for the use of the State, and the other

half thereof to the person or corporation that shall first prefer before the Grand Jury the charge against such offender; and any person, copartnership or firm who shall directly or indirectly act as real estate broker, or shall undertake the buying or selling of ground rents or other real estate, or of chattels real, or the leasing of real estate or chattels real, or the negotiation or sale of mortgage loans on real estate or chattels real, or the collection of rents for others, with a view to reward or compensation for such undertaking, shall be deemed to be carrying on the business of real estate broker within the meaning of said sections, and be subject to the fines or penalties herein prescribed.

**697.** If any person who has obtained such license shall die or shall move from and cease to use and exercise the business of real estate broker in the City of Baltimore, before the expiration of the term in said license specified, the benefit of said license for the unexpired term shall issue to and be continued in his legal representative or assignee, upon application to the proper clerk for that purpose, accompanied by the oath by the party applying, made before a judge of a court of record and endorsed on said license, that the person to whom said license was originally granted is deceased, or has removed from and ceased to use or exercise the said business in the said City.

**698.** Upon said application and affidavit the clerk shall, by his endorsement on said license, authorize such legal representative or assignee to use or exercise the business of such real estate broker in said City for the unexpired term in said license named.

**699.** No person, copartnership, association or firm, legal representative or assignee, shall use or occupy at the same time more than one office or place of business for the transaction of his or their business as such real estate broker, in said City, unless a separate license be procured for each and every such office or place of business, or for each and every branch office where the business of said person, copartnership, association or firm as such real estate broker in said City is carried on or located; and any person who shall violate the provisions of this

section shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to the same fine and penalties as are imposed by the provisions of section 696 of this Article; but nothing herein shall be so construed as to prevent any such person, co-partnership, association or firm, legal representative or assignee, from holding at the same time with the license as real estate broker in said City, provided for by section 695 of this Article, a license or licenses for any other kinds of brokerage business permitted by the laws of this State upon paying to the clerk the several sums by law prescribed for such license or licenses.

**700.** The five preceding sections shall not apply to transactions of attorneys at law with their clients; but their provisions shall nevertheless apply to all other persons who make a business of brokerage or agency for others in transactions in real estate, mortgage or chattels real, by solicitation, advertisement, sign or otherwise, with a view to reward or compensation for such business, whether the same be conducted under the name of agent, property agent, broker, negotiator, financier, dealer or any other name so as to evade the provisions of said sections.

#### *Duty of Sheriff and Clerk of Court.*

**701.** It shall be the duty of the Sheriff of Baltimore City annually, in the month of April, to make or cause to be made an alphabetical list of the names of all persons or bodies corporate or politic in each ward of the City of Baltimore who shall be exercising, pursuing any business, or be doing any act or thing, or shall be in the use or occupation of any house or place for any purpose for which a license is made necessary by this sub-division of this Article, and to return such list to the Grand Jury of said City at as early a period as practicable after the first day of May then next ensuing; and the said Sheriff shall, within the first week of the month of April, cause a notice to be inserted in the daily papers of the City, cautioning all persons and bodies corporate or politic whom it may concern, to obtain a license, or renew the same, on or before the



first day of May then next ensuing; and said Sheriff shall be entitled to receive fifty cents for every license obtained by any person whose name shall be contained in the list so returned by him, to be paid by the party applying for each license; but the failure of said Sheriff to give the notice herein directed shall not excuse any neglect to obtain a license as required by the Public General Laws.

**702.** There shall be entered in writing by the Clerk of the Court of Common Pleas upon the face of all licenses obtained by individuals, firms or corporations to conduct business as trades in the City of Baltimore, the name of the street and number of the house or building, or if there be no number, a full designation of the location of said house or building for which a license is applied for; and each license shall only authorize the transaction of business in one house or building, unless the individual, firm or corporation shall occupy more than one adjoining houses or buildings, and said houses or buildings have open, direct, internal communication with each other; in that case one license will cover transactions in said adjoining houses or buildings so arranged and occupied; provided, always, that any firm, individual or corporation may obtain any number of licenses to conduct business in any number of separate places of business in said City, upon paying for each license a sum graded according to the amount of stock or merchandise generally kept on hand or proposed to be kept on hand at the principal season of sale in said respective places of business, according to the Code of Public General Laws, Article 56, sections 37 to 49, or such amendments as may hereafter be added thereto.

#### MARINERS AND CHARITABLE MARINE SOCIETY OF BALTIMORE.

**703.** Whenever a mariner residing in or sailing to or from the port of Baltimore shall depart this life intestate, and leaving no relations within the fifth degree, to be reckoned by counting down from the common ancestor to the more remote, the whole surplus estate of such mariner, after paying debts, funeral expenses and cost of administration, shall devolve on and become the property of the Charitable Marine Society of Baltimore.

## MARKETS.

**704.** If any person shall buy, or cause to be bought, any kind of vegetables, dead meat, poultry, butter, cheese, tallow, eggs or fish, in any of the markets of said City, or within ten miles thereof, with an intent to sell the same again in such markets, or City, or within two miles thereof, he shall for the first offence forfeit the article, or the value thereof; for the second offence, he shall forfeit the article and be fined four dollars, and for every other offence forfeit fifteen dollars, to be recovered in a summary way before a Justice of the Peace; provided, that the purchasing of pork, beef and fish, by the barrel or other package, butter in firkins, or other packages not less than fifty pounds, bacon or cheese by the quantity, by any merchant or shop keeper, and selling the same again in his store or shop, shall not be deemed or taken as an offence against this section.

**705.** Whenever any person shall be found exposing for sale any of the articles enumerated in the preceding section, otherwise than in his store or shop, and there shall be good cause to suspect they have been purchased contrary to the provisions of the preceding section, it shall be lawful for any person to apply to a Justice of the Peace for a warrant to apprehend the person so suspected, and the Justice shall have power to inquire into the offence; and if the person suspected be convicted thereof, or if he cannot make it appear to the satisfaction of the Justice that he raised or made the articles offered by him for sale, or is disposing of them on account of the person who raised or made them, or that he bought the same ten miles or upwards from the City of Baltimore, he shall be deemed to be an offender against the provisions of the preceding section, and the fines and forfeitures shall be recovered in a summary way before the said Justice.

**706.** All butter sold by the pound in the said markets shall weigh sixteen ounces avoirdupois weight; and any person bringing butter to the said markets and offering the same for sale, of less weight than sixteen ounces avoirdupois, shall forfeit the same, and it shall be seized and taken by the clerk of the market and sold for the use of the City.

**707.** No charge, tax or fees shall be set, rated or levied upon any person or the property of any person who shall attend any of the markets of said City with any articles or produce from the country, to vend in said markets, of his own growth, produce or manufacture, or as the agent of the grower, producer or manufacturer of the same, unless such person shall occupy some place or stand in some of said market-houses; provided, such person or agent be not a resident of said City.

**708.** If any clerk of the market, or any other person or officer appointed by or under the provisions of this Article, shall demand, receive or collect any tax or other charges from any person attending the markets of said City as provided in the preceding section, who shall be standing in the open streets, and who does not occupy any place or stand in the market, he shall be liable to a fine of twenty dollars for each offence, to be recovered before any Justice of the Peace as small debts, one-half to the informer and the other half to the State.

**709.** The City may agree with the owners of any land or other property which it may deem expedient to purchase and hold, for the purpose of extending any market; and if they cannot agree, or if there be an incapacity in the owners to contract in relation thereto, or if such owners be unknown or out of the State, any Justice of the Peace for said City, on application of the Mayor and City Council of Baltimore, may issue his warrant to the Sheriff of said City, commanding him to summon from the said City a jury of twenty freeholders, inhabitants of said City, not related to the owners or persons interested in the real estate or other property, to meet on the premises on some certain day to be named in said warrant, of which said warrant and the day therein named for the meeting of the jury, five days' notice shall be given previous to such day by the Mayor and City Council of Baltimore to every owner or person interested, and left at his place of abode.

**710.** If any infant or lunatic or *feme covert* be the owner in whole or in part of the property subject to be condemned, the notice shall be given to his or her guardian, trustee, committee or husband, as directed in the preceding section.

**711.** If such owner, guardian, trustee, committee or husband, resides out of the State, or is unknown, such notice shall be published not less than eight weeks, successively, in some one or more of the daily newspapers of said City.

**712.** The owner of such property, or the guardian, trustee, committee or husband of the owner may, from the list of jurors returned by the Sheriff, strike four, and the Mayor and City Council of Baltimore, four, so that the number of jurors may be reduced to twelve; and if either party neglect or fail to strike off the names of jurors, the Sheriff or his deputy shall strike for the party so failing or refusing.

**713.** The Sheriff or his deputy shall, before the said jury proceed to act, administer to each of the jurors an oath justly and impartially to value the damages which the owners or parties holding an interest in the property to be condemned will sustain by the use and occupation thereof by the Mayor and City Council of Baltimore.

**714.** The jury so qualified shall inquire into, assess and ascertain the sum of money to be paid by the Mayor and City Council of Baltimore for the land or other property to be condemned, having regard to all the circumstances of damage or benefit to result to such owner or party interested therein.

**715.** The jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by the Sheriff to the Clerk of the Superior Court of said City, and be by such clerk filed in his office, and shall be confirmed by said court at its next session if no sufficient cause to the contrary be shown, and when confirmed shall be recorded by the said clerk at the expense of the Mayor and City Council of Baltimore.

**716.** If said inquisition be set aside by the said court, the court shall direct another inquisition to be taken in the manner hereinafter directed.

**717.** Every such inquisition shall describe the property taken or the bounds of the land condemned, and the quantity

or duration of the interest in the same valued to the Mayor and City Council of Baltimore; and such valuation, when paid or tendered to the owner of said property or his legal representatives, shall entitle the Mayor and City Council of Baltimore to the full, legal and equitable title, interest and estate of the owners of said property, estate and interest in the same thus valued, as fully as it had been held by the owners of the same; and the valuation, if not received when tendered, may at any time thereafter be received without interest by the said owners, or their legal representatives.

**718.** If the twenty jurors summoned as hereinbefore directed shall not appear at the time and place mentioned, the Sheriff or his deputy shall forthwith summon other freeholders of the City, qualified as before directed, to make up the said jury to the number of twelve.

**719.** The jurors summoned and attending shall be allowed one dollar per day for their services; the Sheriff shall be allowed the same fees as for summoning jurors to the Superior Court, and two dollars a day for each day he or his deputy shall attend upon such inquisition; and such expenses shall be paid by the Mayor and City Council of Baltimore, except in cases of objection to the confirmation of the inquisition, when the costs in said court may be awarded in the discretion of the court.

#### MORTGAGES.

**720.** In all cases of conveyances of lands or hereditaments or of chattels real, or goods and chattels personal, situate in the said City, wherein the mortgagor shall declare his assent to the passing of a decree for the sale of the same, it shall be lawful for the mortgagee or his assigns at any time after filing the same to be recorded, to submit to either of the Circuit Courts of Baltimore City the said conveyances or copies thereof, under seal of the Superior Court; and the Circuit Court to which the same is so submitted, may thereupon forthwith decree that the mortgaged premises shall be sold at any one of the periods limited in said conveyances for the forfeiture of said mortgages or limited for a default of the mortgagors, and on such terms of sale as to the said court may seem proper, and shall appoint by said

decree a trustee or trustees for making such sale, and shall require bond and security for the performance of the trust as is usual in cases of sales of mortgaged premises.

**721.** The trustee or trustees so appointed, after having given bond with security, may, after the arrival of the period limited by the decree for a sale, sell, agreeably to the terms of said decree, the mortgaged property or any part thereof; the mortgagees, their executors, administrators or assigns, if the mortgage claim shall have been assigned before such sale, or their duly constituted agent or attorney, after the arrival of the period aforesaid, verifying by their oath a statement of the amount of said mortgage claim remaining due, before the Judge of said court or before any Justice of the Peace of this State, the official character of any Justice of the Peace for any county being certified under his official seal by the Clerk of the Circuit Court for the county where the affidavit is made, where the affidavit is made outside of the City of Baltimore, or before any person outside of this State authorized to take acknowledgments of deeds; and such statement shall be filed in said court.

**722.** Such sales and the conveyances thereupon shall have the same effect, if finally ratified by said court, as if the same had been made under decrees between the proper parties in relation to the mortgages, and in the usual course of said court.

**723.** The trustee or trustees shall report the sales to the court for its consideration and ratification or rejection; and such orders shall pass therein touching such ratification as are usual on sales of mortgaged property in said court.

**724.** Any allegations may be made, and proof under the orders of the said court exhibited, and a trial of the allegations had as the court shall prescribe, to show that the sales ought not to have been made.

**725.** The said court, upon being satisfied of the truth of said allegations, shall reject and set aside the sale, and in such

case no part of the costs or expenses or trustee's commission, if any such commission be claimable, in relation to the said sales, shall be chargeable upon said property, or the mortgagors, their heirs, executors, administrators or assigns, but shall be wholly chargeable against the persons at whose instance or for whose benefit the said sales shall have been proposed to be made.

**726.** The clerk of said court shall file and record the said decrees, and docket the cases of the application therefor; and in the said decree, and to be recorded therewith, shall file a copy of the mortgage upon which the same was rendered, and shall be entitled to the usual fees for such services.

**727.** Any entry on the docket of said court by the person entitled to assign the said mortgage claim, of the use and benefit of said decrees, shall have the same effect as assignments and conveyances of the said mortgage interests, to have effect and precedence from the time of their respective entries; and the said entries shall not be made without an order or direction in writing, to be acknowledged before the Judge of said court, or a Justice of the Peace, by the persons purporting to sign the same, and filed and recorded by said clerk.

**728.** The duly authorized entries upon the docket of said court, of the satisfaction of said decrees, and the discharge of said mortgage claims, made by the persons entitled to receive said claims, shall have the same effect to discharge the mortgaged property of said mortgagor, and all liens thereunder, as any conveyances by the parties interested in such claims, and the holders of the legal estate and interest therein, if competent to convey, could have at law or in equity; but such entries shall not be made without an order or direction in writing, acknowledged by the persons purporting to have signed the same, before the Judge of said court, or a Justice of the Peace, and filed by the clerk of said court; and the entries shall refer to such orders or directions, and the names of the persons aforesaid;

and said order and directions shall be recorded in said court with said decrees.

**729.** The said court may, at its discretion, from time to time, appoint any other trustee or trustees in place of those appointed by the decree; and the proceeds of such sales shall be accounted for, to, and distributed by, said court, in the manner usual in cases of sales under decrees of said court.

**730.** Any mortgagee of property in the City of Baltimore, his assignee or executor, where a power to sell is contained in the mortgage, may proceed under Article 66 of the Public General Laws, title "Mortgages," but notices of sale under such power shall be published in two daily newspapers in said City for the period required by law.

**731.** Where a default of the mortgagors has taken place before the said conveyances have been submitted to the Circuit Court of Baltimore City, it shall, nevertheless, be the duty of said court, upon the submission of the said conveyances to such court, after the said default, to forthwith decree that the mortgaged premises shall be sold on such terms of sale as to the said court shall seem proper, and to appoint by said decree a trustee or trustees to make such sale, requiring bond and security for the performance of the trust, as is usual in the case of the sale of mortgaged premises; and the said trustee or trustees may sell the same agreeably to the terms of the said decree; but before each sale the mortgagee or mortgagees, or some of the mortgagees, or the executor or administrator of a deceased mortgagee, or the assignee or assignees of the mortgagee, or one of such assignees, or the executor, or administrator of a deceased assignee, shall file in the court in which the said proceedings are pending, a statement of the amount of the said mortgage claim remaining due, verifying the same by the oath or affirmation of the party filing the same; and the said affidavit or affirmation may be made before any of the persons mentioned in section 721 of this Article, and the same shall be authenticated as provided for in section 721.



**732.** The provisions of sections 722-729, inclusive, of this Article shall apply to all the proceedings under the preceding section.

#### NOTARIES PUBLIC.

**733.** The Governor, by and with the advice and consent of the Senate, shall appoint and commission a competent number of persons of known good character, integrity and abilities, citizens of the United States, and who have resided in this State two years previous to their appointment as Notaries Public for the State of Maryland, to reside in such place or places within this State as the Governor shall in and by their respective commissions designate; but there shall not be at any time more than twenty-six Notaries appointed and commissioned to reside within the City of Baltimore, one of whom shall be conversant with the German language.

**734.** The Governor, by and with the advice and consent of the Senate, is hereby authorized to appoint four Notaries Public for the City of Baltimore in addition to those provided for in the preceding section.

#### OYSTERS.

**735.** All oysters in the shell sold in the City of Baltimore shall be measured by a licensed measurer; any person may obtain a license therefor from the Clerk of the Court of Common Pleas by paying therefor the sum of ten dollars and taking an oath before said clerk for the faithful performance of his duty; said license shall hold good for one year; a measurer shall receive for his services one-half cent per bushel, to be paid equally by the buyer and seller; any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than twenty nor more than fifty dollars for each offence, and imprisoned until the fine and costs shall be paid.

## PARKS AND SQUARES.

**736.** The Board of Park Commissioners, for the purpose specified in section 96 of this Article, is empowered to form a zoological collection within the limits of any of the parks and squares under its control.

**737.** The said Commissioners are authorized to receive subscriptions of money for the purpose of said collection not to exceed in amount one hundred thousand dollars, and to issue certificates of stock therefor, in sums of not less than one hundred dollars, each bearing interest at the rate of six per cent., payable half-yearly out of the income derived from said collection, which certificates shall be signed by a member of said Commissioners appointed by them for the purpose, and the secretary thereof, and have attached thereto a seal, which the said Commissioners are authorized to adopt for the purpose.

**738.** In addition to the six per cent. interest aforesaid, each holder of a certificate shall be entitled to receive for every one hundred dollars subscribed by him or her, as many free entrance tickets to the zoological collection as the said Commissioners may deem proper.

**739.** The Mayor and City Council of Baltimore are authorized to issue bonds or certificates of indebtedness of said corporation to an amount not exceeding one hundred thousand dollars, to be applied to the purchase of ground for and the establishment of a park in that portion of the City of Baltimore lying west of Poppleton street and south of Franklin street in said City; which said bonds or certificates of indebtedness shall be payable at such times and bear such rate of interest, not exceeding three and one-half per centum per annum, as the said Mayor and City Council shall provide by ordinance; provided, that the said bonds or certificates of indebtedness shall not be issued unless the ordinance which the Mayor and City Council of Baltimore are authorized to enact for that purpose shall be

approved by a majority of the votes of the legal voters of said City, cast at the time and places to be designated by said ordinance, in the provision for submitting the same to the legal voters of said City, as required by section 7, Article XI, of the Constitution of Maryland; provided, however, that the said bonds or certificates of indebtedness shall not be sold for less than par; and the said Mayor and City Council of Baltimore are authorized to provide by ordinance for the laying of such an annual tax as shall be sufficient to pay the interest on said bonds or certificates of indebtedness, and provide a sinking fund for their redemption at maturity.

#### POLICE COMMISSIONERS.

##### *Organization of Force.*

**740.** There shall be elected by the joint meeting of the two houses of the General Assembly, by ballot, three sober and discreet persons, who shall have been residents in the City of Baltimore for three consecutive years next preceding the day of their election, who shall be known as the Board of Police Commissioners for the City of Baltimore; said Commissioners shall be subject to removal as provided in this sub-division of this Article; one of said Commissioners shall be elected and appointed for two years, one for four years, and one for six years, who shall hold office until their respective successors are elected, or appointed and qualified; each of said Commissioners shall receive a salary of twenty-five hundred dollars per annum, payable quarterly. As the terms of office shall expire, as designated above, they shall be filled or appointed for six years each. Before entering upon the duties of their office of Commissioner, each member thereof shall enter into bond to the State of Maryland, with one or more sureties, in the penalty of ten thousand dollars, conditioned for the faithful discharge of his duties as such Commissioner; said bond to be approved by the Judge of the Superior Court of the City of Baltimore, to be kept and recorded by the clerk of the said court, in the office

thereof, together with the certificate of appointment as aforesaid; and shall also take and subscribe before the said Judge of the Superior Court, or the clerk thereof, the oath or affirmation prescribed by the sixth section of the first Article of the Constitution; and the further oath or affirmation, that in every appointment or removal to be made by them to or from the police force, created and to be organized by them under this sub-division of this Article, they will in no case, and under no pretext, appoint or remove any policeman or officer of police, or detective, or any other person under them, for or on account of the political opinions of such policeman, officer, detective or other person, or for any other cause or reason than the fitness or unfitness of such person, in the best judgment of said Commissioners, for the place to which he shall be appointed, or from which he shall be removed; and the said oath or affirmation shall be recorded and preserved among the records of said court.

**741.** The Board of Police Commissioners, on entering upon their duties as such, shall select one of their number who shall be the president, and one of their number who shall be the treasurer thereof; and in case a vacancy shall happen in said Board during the recess of the General Assembly, it shall be filled by the Governor of the State, which appointment shall continue until the next session of the General Assembly, which shall proceed to fill said vacancy; and the General Assembly shall also, in like manner, elect by joint ballot, Commissioners to succeed those whose term of service shall expire—such election to be had at the regular session of the General Assembly immediately preceding such expiration—and neither of said Commissioners shall be eligible to an elective or appointed office during the term for which he has been elected, except under the militia laws of the State; and for any official misconduct on the part of said Commissioners, the General Assembly, if in session, shall have power of removal, and during the recess of the same, the Governor shall remove any of said Commissioners, on conviction for any felony before any court of law, and shall appoint a successor to such delinquent Commissioner

so removed, to serve until the next meeting of the General Assembly.

**742.** The Board of Police Commissioners shall select some suitable person to act as secretary to the Board, whose duty it shall be to keep minutes of the proceedings of the Board, take charge, by direction of the Board, of all property seized or found by the police or detectives, and to perform all clerical and proper duties required of him by said Board; and it shall further be the duty of said secretary to prepare forms of all poll-books and election returns, warrants of arrest and commitments to be used by the judges of election for all elections held in Baltimore City, to superintend carefully the printing thereof, and to perform all other clerical duties devolved upon said Board by law in connection with all elections held in said City, as may be required of him by said Board; said secretary shall enter into bond to the State of Maryland in the same manner as is by law prescribed for said Commissioners, in the sum of five thousand dollars, conditioned for the faithful discharge of his duties aforesaid, and the safe keeping of all property placed in his hands as aforesaid, and shall receive the salary of two thousand dollars per annum, payable monthly, and be subject to removal at the pleasure of the Board.

**743.** The Board of Police Commissioners are hereby authorized to employ an additional officer, to be known as assistant to the secretary to the Board; the salary of said assistant secretary shall be twelve hundred dollars per annum, payable monthly.

**744.** The duties of the Board of Police Commissioners hereby created shall be as follows: They shall at all times of the day and night, within the boundaries of the City of Baltimore, as well on the water as on the land, preserve the public peace, prevent crime and arrest offenders, protect the rights of persons and property, guard the public health, preserve order at primary meetings and elections, and at all public meetings and conventions and on all public occasions and places, prevent

and remove nuisances in all the streets and highways, waters and water-courses, and all other places, provide a proper police force at every fire for the protection of firemen and property, protect strangers, emigrants and travelers at all steamboat, ferry-boat and ship landings and railway stations, see that all laws relating to elections, and to the observance of Sunday, and regarding pawnbrokers, gambling, intemperance, lotteries and lottery policies, vagrants, disorderly persons and the public health are enforced, and also to enforce all laws, ordinances of the Mayor and City Council of Baltimore, not inconsistent with the provisions of this sub-division of this Article, or of any law of the State which may be properly enforceable by a police force; and in case the said Board of Police Commissioners shall have reason to believe that any person within the limits of the City of Baltimore intends leaving the City for the purpose of committing any breach of the peace, or of violating any law of the State beyond the limits of the City, upon the Chesapeake bay, or on any river, creek, inlet, water-course, or at any other place on land or water within the State of Maryland, it shall be the duty of the said Board of Police Commissioners to cause such person to be followed, and to take the most effectual means for the suppression and prevention of such outrage, when any such shall be attempted, and to cause the arrest of all such offenders; provided, however, that if any crime be actually committed by such person, the offender shall be delivered to the proper jurisdiction for trial and punishment; any person charged with the commission of crime in the City of Baltimore and against whom criminal process shall have issued, may be arrested upon the same in any part of the State by the police force created under this sub-division of this Article, under such rules and regulations as the Board of Police Commissioners may adopt; and the said Board shall have power to summon witnesses before it and to administer oaths or affirmations to such witnesses whenever, in the judgment of the said Board, it may be necessary for the effectual discharge of their duties under this sub-division of this Article; and any person failing to appear in answer to said summons, or refusing to testify, shall be subject to a penalty of not less than twenty-five nor

more than fifty dollars, to be recovered by civil action in the name of the State, to the use of the said Board, or by indictment in the Criminal Court of Baltimore; false swearing on the part of any such witness shall be deemed perjury, and shall be punished as such.

**745.** The said Board of Police Commissioners are authorized and required, immediately on entering on their duties of their office, to appoint, enroll and employ a permanent police force for the City of Baltimore, which they shall arm and equip as they may judge necessary, under such rules and regulations as they may from time to time prescribe; and the said Board shall have power to remove any police officer or officers of police, or any detective, for the violation of any rule or regulation which they may make and promulgate to said police force, officers of police, or any detective; said police force shall consist of one Marshal and one Deputy Marshal of Police of the City, and one Captain, two Lieutenants, two Round Sergeants, two Turnkeys and one Clerk at each station-house, which clerk shall receive a salary of eighteen dollars per week, and one Lieutenant of Mounted Police, who shall have charge of the mounted force, with the rank and pay of a Lieutenant of Police, and such number of Sergeants as said Board of Police in their judgment may deem necessary for each police district in said City, and seven hundred men, which force may be increased at any time, if, in the opinion of the Board, the public peace shall require, to any number and for such period of time as they may think proper, by the appointment of special policemen, who shall receive the sum of two dollars and fifty cents per day for their services. The pay of an ordinary policeman shall be eighteen dollars per week, payable semi-monthly; and in case the Board shall appoint detective policemen, and they are hereby authorized and empowered to do so, if they shall think fit, to the number of twenty-five, said detectives shall receive the sum of twenty-three dollars per week each, payable semi-monthly, and shall not be allowed to follow any business or profession, but shall devote their time to the discharge of their duties as detectives; the Board shall assign one detective to each police district station-house, said detective to be under the direction of the commanding officer of the district and to operate

from said station-house. The officers of police shall be paid semi-monthly, and their pay shall be as follows: The Marshal shall receive two thousand five hundred dollars per annum, the Deputy Marshal shall receive two thousand dollars per annum, each Captain shall receive thirty dollars per week, each Lieutenant twenty-five dollars per week, each Round Sergeant twenty-three dollars per week, each Sergeant twenty dollars per week, and each Turnkey eighteen dollars per week. The pay herein provided for police officers, policemen and detectives shall continue in force until a change shall be made by law. They are authorized and empowered to appoint thirty-five additional officers, who shall be known as probation officers, who shall hold their places without a commission until vacancies shall occur in the regular force, the pay of said officers so appointed as aforesaid shall be twelve dollars per week, to be paid at the same time and in the same manner as the other officers of said police force are paid. *Provided*, however, that nothing herein contained shall be construed as in any manner changing or altering the method of making appointments to, promotions in or removals from the police force, as prescribed by Chapter 16, of the Acts of the General Assembly of 1900, but said police force shall be regulated and managed in all respects in accordance with said Chapter 16, of said Acts of Assembly of 1900. And *provided, further*, that nothing herein contained shall be construed to legislate out of office any police officer, detective, or officer of police now on the force, or any employee of the Board of Police Commissioners.

**746.** They are authorized, empowered and directed to select some suitable person to act as clerk to the Marshal of Police for said City, at a salary of twenty-five dollars per week, payable semi-monthly; and the said clerk, before entering upon the duties of his office, shall enter into bond to the State of Maryland in the penalty of two thousand dollars, conditioned for the faithful discharge of his duties as such clerk, the said bond to be approved by them.



747. It shall be their duty to estimate annually what sum of money will be necessary for each current fiscal year to enable them to discharge the duty imposed on them, and they shall forthwith certify the same to the Mayor and City Council of Baltimore, who are required, without delay, specifically to assess and levy such amount as shall be sufficient to raise the same clear of all expenses and discounts upon all the assessable property in the City of Baltimore, and to cause the same to be collected as all other City taxes; and it is made the duty of the City Collector of Baltimore, and he is required to collect said tax, to be denominated the police tax; and the said Board of Police Commissioners, upon and after qualifying as such, are authorized to make requisitions from time to time upon the Comptroller of the City of Baltimore, or other proper disbursing officer of the corporation, for such sums of money as they may from time to time deem necessary for the purpose of carrying out the objects and intentions of this sub-division of this Article; provided, the same shall not exceed in any one year the amount so as aforesaid certified, or which may thereafter be certified for that year, to the Mayor and City Council of Baltimore aforesaid; and in case the said disbursing officer shall not forthwith pay over the amount of each requisition as made, it shall be the duty of the said Board, and they are authorized and required to issue certificates of indebtedness, in the name of the Mayor and City Council of Baltimore, in such sum as they may deem advisable for the amount of such requisitions, respectively, bearing interest at six per cent. per annum, payable at not more than twelve months after date, and signed by a majority of said Board, and to raise the money on said certificates by pledging or disposing of the same; which certificates shall be receivable at par in payment of City taxes, and be as binding on said corporation and as recoverable against it as if the Mayor and City Council of Baltimore had themselves issued the same; and the Mayor and City Council of Baltimore shall have no power or authority to levy or collect any tax or appropriate any money for the payment of any police force other than that organized and employed under this sub-division of this Article; and no officer or other em-

pioyee of the said Mayor and City Council of Baltimore shall disburse any money therefor; and the power of said Mayor and City Council to levy and collect taxes and appropriate and disburse money for the payment of the police force organized and employed under this sub-division of this Article shall be exercised as herein directed, and not otherwise; and in case the amount so as aforesaid to be estimated by the said Board shall from any cause prove insufficient for the necessary expenses for the current year, the said Board is authorized and empowered to issue certificates and raise money therefrom, as heretofore provided, to meet the said exigency; *provided*, however, that no additional issue shall exceed the sum of fifty thousand dollars in any one year, and that the amount thereof shall be added to the estimate, assessment and levy for the year next ensuing, and that said certificates shall not be made payable at an earlier day than twelve months from the date of their issue, but may be receivable in payment of City taxes at any time they may be so presented.

**748.** It shall be the duty of the Sheriff of Baltimore City, whenever called on for that purpose by said Board, to act under their control for the preservation of the public peace and quiet, and if ordered by them to so do, he shall summon the *posse comitatus* for that purpose, and hold and employ such *posse*, subject to their discretion in case the said Board shall deem it necessary; they shall call out such military force, lawfully organized or existing in said City, as they may see fit, to aid them in preventing threatened disorder or opposition to the laws, or in suppressing insurrection, riot or disorder on election days, and at all other times; and it shall be the duty of said military force so called out, to obey such orders as may be given them by said Board; whenever the exigency or circumstances may, in their judgment, warrant it, the said Board shall have the power to assume the control and command of all conservators of the peace in the City of Baltimore, whether sheriffs, constables, police or others, and they shall act under the orders of the said Board, and not otherwise; and in case of the refusal of the said sheriff, or any policeman, constable, or other peace officer or persons, to obey any lawful command of said Board under

the provisions of this section, they shall, respectively, be guilty of a misdemeanor and punishable as in such cases made and provided; and any officer of any military force in the City of Baltimore, organized under any law now existing, or which may hereafter be enacted by the General Assembly of this State, who, upon being called on by the said Board as aforesaid, shall refuse or wilfully fail to call out the force under his command, or to obey the orders of the said Board, or to enforce by all lawful means the performance of the duties to said force assigned; and any inferior officer or private who shall refuse or wilfully fail to obey the orders of his superior officer in such behalf, shall be guilty of a misdemeanor, and punishable as in such cases made and provided.

**749.** Whenever a vacancy shall take place in any grade of officers (except the marshal and deputy marshal), it shall be filled from the next lowest grade, if competent men can be found therein; the Board of Police Commissioners are authorized to make all such rules and regulations, not inconsistent with this sub-division of this Article, as they may judge necessary for the appointment and employment, uniforming, discipline, trial and government of the police and detectives, and for the relief and compensation of the members of the police injured in person and property in the discharge of their duty, and the families of men or officers killed while in its performance; provided, that the allowance in any one instance shall not exceed twelve months' pay; the said Board shall have power to require of any policeman, officer of police or detective, bond with sureties, when they may consider it demanded by the public interest; all lawful rules and regulations of the Board shall be obeyed by the policemen, officers of police and detectives, on pain of dismissal or such lighter punishment as may be prescribed by the said Board; and the said Board shall have power to suspend from duty, fine or forfeit the pay of any officer or policeman, or suspend any rule or regulation made and adopted by them.

**750.** No officer of police, policeman or detective shall be allowed to receive any money as a gratuity or extra compensa-

tion for any services he may render, without the consent of the said Board; and all such moneys as any officer of police, policeman and detective may be so permitted to receive shall be paid over to the said Board, and together with the proceeds of all fines, forfeitures, penalties and unclaimed property which may come into the possession of the said Board, or be recovered by them under the provisions of this sub-division of this Article, or any other law, shall form a fund which the Board may apply towards the allowances of officers of police, policemen and detectives and their families, as hereinbefore authorized, and for extra pay to such members of the force as by gallantry and good conduct on extraordinary occasions they may be judged to merit; and any officer of police, policeman or detective who shall directly or indirectly, in violation of this section, receive any moneys as a gratuity or extra compensation, and shall fail to deliver the same to the Board for the purposes hereinbefore provided, and shall apply the same to his own use, shall be forthwith dismissed, and be forever after ineligible to any position in the force.

**751.** The Board of Police Commissioners shall cause to be kept by their secretary, a full report of their proceedings, and also cause all their receipts and disbursements of money to be faithfully entered in books to be provided for that purpose; and said books, journals and all other documents in the possession of said Board, shall always be open to inspection by the General Assembly, or any committee appointed by it for that purpose; and it shall be the duty of the said Board to report to the General Assembly at each regular session, or as may hereafter be directed by said General Assembly, the number and expense of the police force employed by them under this sub-division of this Article, and all such other matters as may be of public interest in connection with the duties assigned to them; and said books, journals and other documents, and the vouchers for all payments by said Board of Police Commissioners shall at all times be open to the inspection of the Mayor and City Register, or either of them; and it shall be the duty of the Comptroller of the City of Baltimore to examine all bills and accounts presented by said Board of Police Commissioners and the vouchers therefor.

**752.** The treasurer of the Board of Police Commissioners, before entering upon the duties of his office as such treasurer, shall, in addition to the bond given as Commissioner, enter into bond to the State of Maryland, with one or more sureties, in the penalty of ten thousand dollars, conditioned for the faithful discharge of the duties imposed upon him as treasurer, and the faithful application and payment over, pursuant to the order and direction of the said Board, of all moneys which may come into his hands as such treasurer; and shall, every six months, on the first day of January and July, in each and every year during his continuance in office, render to his associates in said Board, a true and faithful account of the receipts and disbursements of all moneys received and disbursed by him by order of the said Board, with the vouchers thereof during said period, which accounts shall be verified by the affidavit of said treasurer; and the said Board shall thereupon examine said account, and if they find the same to be correct, they shall certify said account, and forward the same to the Governor of the State, to be filed in the office of the Secretary of State; the said Board shall retain a copy thereof, with their certificate attached, to be filed among the papers of their office.

**753.** The said Board of Police Commissioners are authorized and empowered, whenever in their judgment the public peace and tranquility may require, to order the closing temporarily of any and all bar rooms, bars, drinking houses and liquor shops, and all other places where liquor is usually sold in the City of Baltimore, and forbid the selling and furnishing of liquor thereat; and any proprietor or keeper, or any other person for such proprietor or keeper, of any such drinking house, place or places, as well as all other places where liquor is usually sold, who shall refuse or fail to obey such order of said Board of Police Commissioners passed in pursuance thereof, or who shall sell or furnish liquor from any such place or places, during such period as said Board shall so forbid, shall be guilty of a misdemeanor; and it shall be the duty of each and every officer of police, policeman and detective, who may be cognizant of any violation of this section, to report the

same to the Grand Jury of the City of Baltimore, if in session, and if not in session, then to the next Grand Jury that may be summoned for said City; and every officer of police, policeman and detective who shall wilfully fail to make such report shall be forthwith dismissed from his position, and shall be forever after ineligible to any position in the police.

**754.** They are authorized and empowered to take possession of all property heretofore by law assigned to the former Board of Police, and to have and use a common seal; they may divide the City into such number of police districts as they may think necessary for the public good; and if found practicable, in addition to the station-houses and property attached thereto, which they are authorized and empowered to take possession of and use, they may provide additional station-houses, with all necessary appurtenances, as may be found needful and necessary, and such accommodations as may be requisite for the police force; said Board shall also have the use of the fire-alarm and police telegraph in the City of Baltimore, and of all station-houses, watch-boxes, arms, accoutrements and other accommodations and property provided by the City of Baltimore for the use and service of the police heretofore created by any act of the corporation of said City, as fully and to the same extent as if the same had been provided for the use of the Board created by this sub-division of this Article.

**755.** It shall be the duty of every officer of police, and every policeman and detective, to report to the Board, and deliver to them all property seized or found by said officer of police, policeman or detective, immediately after the same shall have come into their possession, which property, with the date of delivery and description of the same, and the name of the officer, policeman or detective depositing the same, shall be entered in a book by the secretary, to be provided for that purpose; said secretary shall have the custody of all such property, and shall be held responsible for the safe delivery of the same to the claimants, when ordered to do so in writing by the said Board, which order shall be his voucher; and any officer, police-

man or detective who shall fail or refuse for a period of twenty-four hours to deposit all such property as aforesaid, shall be subject to removal by the said Board; and every officer, policeman or detective who shall wilfully refuse to return all such property as aforesaid, or shall return the same to any claimant, shall be forthwith dismissed from office.

**756.** In addition to the sums of money now authorized by law to be paid out of the fund so as above constituted and designated, the said Board of Police Commissioners are empowered, whenever in their opinion the efficiency of the service may require it, to retire any officer of police, policeman, detective, clerk or turnkey appointed by them, and pay him in monthly instalments out of said fund for life a sum of money not to exceed one-half of the amount of money monthly paid to him as such officer of police, policeman, detective, clerk or turnkey at the time of his said retirement. *Provided*, however, he shall have served faithfully not less than sixteen years as such officer of police, policeman, detective, clerk or turnkey or shall have been permanently disabled, in the discharge of his duty as such officer of police, policeman, detective, clerk or turnkey, and the said Board shall in all cases before making such retirement procure and file among their records a certificate of a competent and reputable physician that the person proposed to be retired has been thoroughly examined by him, and that he is incapable of performing active police duty, and it shall be the duty of any such officer of police, policeman or detective so retired to perform such police duties and at such times as the Board of Police Commissioners shall deem proper, said term of service not to exceed seven days during any year, and for such services no extra compensation shall be allowed by said Board, and the said Board shall have power in their discretion to suspend payment to any such officer of police, policeman or detective for a term not to exceed three months for the first offense, for the second offense a term not to exceed six months, and for the third offense shall be subject to dismissal upon proof given that the said officer of police, policeman or detective is living an improper or immoral life. Said Board shall have power to suspend said payment to such clerk or turnkey if in their judgment after trial said clerk or turnkey is living an

improper or immoral life, such a suspension to continue as long as such a life, in the opinion of the said Board, is pursued by said clerk or turnkey; *provided*, however, that the provisions of this Section shall not apply to any clerk appointed by said Board of Police Commissioners who has not immediately prior to his appointment served in some capacity whereby he has been required to perform police duty.

**757.** No Marshal of Police, or any of the captains of any of the districts or station-houses, or any one acting for or under them, or any of them, shall release any persons committed or confined in any of the station-houses for any felony or misdemeanor, but all such persons shall be released only on the order of the committing Justice, the Judge of the Criminal Court, or one of the members of the Board, or other lawful process.

**758.** The said Board of Police Commissioners are required, on the requisition of the Board of Park Commissioners, to detail from time to time such number of the regular police force of said City as the said Board may deem necessary for the preservation of order within any parks under their control, which detailed force shall have the same power in the premises that the police force of the City have, as conservators of the peace.

**759.** Nothing in this sub-division of this Article shall be so construed as to destroy or diminish the liability or responsibility of the Mayor and City Council of Baltimore for any failure to discharge the duties and obligations of said Mayor and City Council of Baltimore, or any of them, or give the said Mayor and Council of Baltimore any control over said Board, or any officer of police, policeman or detective appointed thereby.

**760.** All persons arrested in the daytime under the provisions of this sub-division of this Article shall be taken by the officer making the arrest immediately before the nearest Police Justice for examination, except that all females and male children under fourteen years of age who may be arrested or taken into custody shall be taken before the nearest Police



Justice for examination when there shall be matrons at the station-house as hereinafter provided.

**761.** Whenever any person shall be arrested in the City of Baltimore, charged with any crime or misdemeanor, or for being drunk or disorderly, or for any breach of the peace, and shall be taken before any of the Police Justices of the Peace of the said City, and any such person shall be found to have concealed about his person any pistol, dirk-knife, bowie-knife, sling-shot, billy, brass, iron, or any other metal knuckles, razor, or any other deadly weapon whatsoever, such person shall be subject to a fine of not less than five dollars nor more than twenty-five dollars, in the discretion of the Police Justice of the Peace before whom such person may be taken, and the confiscation of the weapon so found, which said fine shall be collected as other fines are now collected; *provided*, however, that the provisions of this section shall not apply to those persons who, as conservators of the peace, are entitled or required to carry a pistol or other weapon as a part of their official equipment.

**762.** Every person in said City of Baltimore not being a conservator of the peace, entitled or required to carry such weapons as a part of his official equipment, who shall wear or carry any pistol, dirk-knife, bowie-knife, sling-shot, billy, sand-club, metal knuckles, razor or any other dangerous or deadly weapon of any kind whatsoever (pen-knives excepted), concealed upon or about his person; and every person who shall carry or wear such weapons openly, with the intent or purpose of injuring any person, shall, upon conviction thereof, be fined not more than five hundred dollars, and be imprisoned not more than six months in jail or in the House of Correction; that this section shall not release or discharge any person or persons already offending against the general law in such cases made and provided, but any such person or persons may be proceeded against, prosecuted and punished under the general law of this State as if this Article had not been passed.

**763.** The said Board of Police Commissioners are authorized, empowered and directed to grant leave of absence with pay for a period of twenty days in each consecutive year of

service to each of the officers of police, policemen and detectives of the regular force employed by the said Board; nor shall any enforced absence with leave on account of sickness or death be deducted from the pay of any such officer of police, policeman or detective, or from the twenty days' leave as herein provided for.

**764.** The Board of Police Commissioners are hereby authorized and empowered to appoint and employ, in addition to the number now authorized by law, fifteen additional probation officers, said officers so appointed to hold their places and receive their pay under the provisions of law now in force and applicable to probation officers.

*Matrons at Station-Houses.*

**765.** The Board of Police Commissioners of Baltimore shall appoint two suitable women as matrons at four of the station-houses in said City, and may, in their discretion, appoint one or two suitable women as matrons at the other station-houses in said City, one for day and the other for night service, and shall provide a furnished room at each of said station-houses for them.

**766.** No woman shall be appointed as a matron aforesaid by the said Board unless she shall be recommended to said Board within three months preceding her appointment, by at least twenty women in good standing in said City, in writing, as a suitable person for the position; and the said matrons shall be appointed to serve for four years, subject to removal for cause, after a hearing by the said Board, which is hereby vested with jurisdiction in the premises.

**767.** The duties of each matron shall be to give such care and advice and to perform such other police duties as may be requisite and proper to the female persons, male children under fourteen years of age and refugees in the station-house for which said matron shall have been appointed.

**768.** Each of said matrons shall receive a salary of ten dollars a week, to be paid by the Mayor and City Council of Baltimore, and it shall be included in the annual estimate of expenses by said Board, certified to the Mayor and City Council of Baltimore.

*Militia.*

**769.** Whenever the Board of Police Commissioners for the City of Baltimore, or the Sheriff of any county, shall call out any portion of the militia to aid in preventing threatened disorder or opposition to the laws; or in suppressing riot or disorder on election days, or at any other times, said military force shall be deemed to be on detached service while under the orders of the said Board or Sheriff; and the commanding officer thereof shall not be subject to the orders of any superior officer whatsoever, except the commander-in-chief.

*Patrol Wagons.*

**770.** The said Board of Police Commissioners are authorized and directed to construct, equip and maintain a telephone alarm and patrol wagon service, with all necessities, appliances and laborers; provided, however, the expenditures therefor will not impair the special fund mentioned in sections 576 and 777 of this Article so as to prevent its sufficient application to the purposes provided for in said sections.

*Physicians to the Police Force.*

**771.** They are authorized to appoint and commission, annually, three physicians of integrity and capacity, residents of Baltimore City, and who shall have practised medicine therein for at least three years next preceding the date of their commission, to act as physicians of the Police Department of said City, under such rules and regulations as the said Board may from time to time prescribe for their conduct.

**772.** The duties of the said physicians shall be to examine thoroughly all applicants for position in the police force of

Baltimore City, and to test their entire fitness in every respect for such position; to visit all policemen, turnkeys, detectives, officers of police and clerks of said force, who may be returned as sick, and to report their condition to the said Board; to visit and professionally attend any and all of the said persons who may be injured or disabled in the performance of their duties as members of the said force; to thoroughly examine and report to the said Board the physical condition of each and every member of said force, who may, upon his own application, or who the said Board may think should be retired from the said force and be pensioned under this sub-division of this Article, and to perform all such other and further professional duties in connection with the said department and force as the said Board may from time to time deem necessary and prescribe for them.

**773.** The annual salary of each of the said physicians shall be the sum of one thousand dollars, payable in equal monthly instalments, but the tenure of office of the said physicians, and of each of them, shall be determinable within the appointed year, by a majority of the said Board, and in their exclusive discretion; and the said physicians, and each of them, shall be compensated only up to the time of such determination at the rate of the annual salary aforesaid.

#### *Races.*

**774.** For the purpose of preserving order and protecting property, the Police Commissioners of the City of Baltimore are authorized, upon the request of the president of the Maryland Jockey Club, to detail such force as they may deem sufficient for the preservation of order during any exhibition of the said club, which detailed force shall have the power that the police of the City have as conservators of the peace.

#### *Registration of Voters.*

**775.** The Board of Police Commissioners for Baltimore City, upon the written request of the Registers of Voters, shall detail police officers sufficient to preserve order at the place where the officers of registration in Baltimore City are discharging the duties of their office.

*Special Fund.*

**776.** All sums of money which are now in, or which may hereafter come into the hands of the Board of Police Commissioners for the City of Baltimore, under and by virtue of the provisions of existing laws, except such sums as may come into their hands under and by virtue of the provisions of section 747, shall constitute a fund to be known and accounted for as the special fund.

**776A.** The Board of Police Commissioners of the City of Baltimore, and their successors, shall be the trustees of the special fund hereinafter mentioned. The Treasurer of said Board shall be Treasurer of the fund. He shall before entering upon his duties as Treasurer thereof execute and deliver to said Board a bond in the penal sum of five thousand dollars, to be approved by the Comptroller of the City of Baltimore, and conditioned for the faithful discharge of his duties, and that he shall pay over and account for all moneys and property which shall come to his hands as such Treasurer, the expense of such bond, if furnished by a corporation, to be paid out of the special fund. Such trustees shall have charge of and administer said funds, and from time to time invest the same, or any part thereof, as they shall deem most beneficial to said fund, and they are empowered to make all necessary contracts, and take all necessary and proper actions and proceedings in the premises, and to make payments from such fund of salaries granted in pursuance of this Act, and also salaries now charged on said fund or any part thereof by or under existing laws. The said trustees may, and they are authorized and empowered, from time to time to establish such rules and regulations for the disposition, investment, preservation and administration of the special fund as they may deem best. They shall report in detail to the Mayor and City Council annually in the month of October the condition of the special fund, and the items of receipts and disbursements on account of the same.

**776B.** The moneys, securities and effects of the special fund, and all salaries granted and payable from said fund shall be

and are exempt from execution and from all process and proceedings to enjoin and recover the same by or on behalf of any creditor or person having or asserting any claims against, or debt or liability, of any sharer of said fund; every person who knowingly or wilfully in anywise procures the making or presentation of any false or fraudulent affidavit or affirmation concerning any claim for a share or payment thereof, shall in every case forfeit a sum not exceeding two hundred dollars, to be sued for and recovered by and in the name of the said trustees, and when recovered to be paid over to and thereupon become a part of the said special fund. Any person who shall wilfully swear falsely in any oath or affirmation in obtaining or procuring any share or payment thereof, under the provisions of this Act, shall be guilty of perjury.

**776C.** The said special fund shall consist of:

1. The capital, interest, income, dividends, cash deposit, securities and credit of the special fund now in existence, with additions thereto from time to time of:

2. All fines and forfeitures imposed by the Board of Police Commissioners from time to time upon or against any member or members of the police force; and of:

3. All rewards, fees, gifts, testimonials and emoluments that may be presented, paid or given to any member of the police force on account of police services, except such as have been or shall be allowed by the Board of Police Commissioners to be retained by the said members, and also all gifts or bequests which may be made to the said special fund, or to the said Police Board as trustees thereof.

4. All lost, abandoned, unclaimed, or stolen money remaining in possession of the Secretary of the Board of Police Commissioners for the space of one year, and for which there shall be no lawful claimant, and all moneys arising from the sale by the said Secretary or said Board of unclaimed, abandoned, lost or stolen property, and all moneys realized, derived or received from the sale of any condemned, unfit or unserviceable property belonging to or in the possession or under the control of the Police Department, and of:

5. All moneys, pay, compensation or salary, or any part

thereof, forfeited, deducted or withheld from any member or members of the police force on account of absence for any cause, lost time, sickness or other disability, physical or mental, to be paid monthly by the Treasurer of the Board of Police Commissioners to the special fund.

6. All moneys derived or received from license, certificates, or permits, hereafter authorized by the Mayor and City Council under the general powers granted by Chapter 123, of the Acts of the General Assembly of Maryland, Session 1898, title "City of Baltimore, sub-title "Charter," sub-title "General Powers," sub-title "License," which are required to be issued and collected by the Police Department.

7. Any sum hereafter allowed out of or share of liquor license moneys specially appropriated to said special fund and derived from the granting of licenses or permission to sell strong or spirituous liquors, ale, wine or beer, and such sum, sums, share or shares shall be paid in to the Treasurer of the special fund by the person or officer having the legal custody thereof.

8. All moneys derived or received from the granting or issuing the permits, or the giving of permission to give public dances, soires, masked balls, boxing or athletic contests, circus or tent shows, or either of them, in the City of Baltimore; also the sum of five dollars for each and every permit granted by the Board of Police Commissioners under Section 653P, Chapter 343, of the Acts of the General Assembly of Maryland, session of 1890, for the sale of liquors at *bona fide* entertainments.

9. A sum of money equal to but not greater than two per centum of the semi-monthly pay, salary or compensation of each member of the police force entitled to participate in the special fund, which sum shall be deducted every pay day by the Treasurer of the Board of Police Commissioners from the pay, salary or compensation of each and every member of the police force, and the said Treasurer of said Board is hereby authorized, empowered and directed to deduct the said sum of money as aforesaid and forthwith to pay the same to the Treasurer of the trustees of the special fund; *provided*, however, that it shall be optional with any member of said police force to contribute the said two per centum of his salary as above provided, and partici-

pate in the benefits of the special fund; and *provided, further*, that no member of said force shall participate in said special fund unless he contributes to said fund as aforesaid.

10. And any and all unexpended balances of appropriation or amounts estimated, levied, raised or appropriated for the payment of salaries or compensation of members of the police force within said City of Baltimore remaining unexpended or unapplied after allowing all claims payable therefrom, said balances to be paid to special fund at any time after the expiration of the year for which the same were made and appropriated.

11. In case the amount derived from the different sources mentioned and included in this Section, and from the special fund without deducting charges for patrol services, police boat, and new station-houses, shall not be sufficient at any time to enable the Board of Police Commissioners to pay in full the salaries which have been or may hereafter be granted, which said salaries shall at all times be a first charge on said funds, it shall be the duty of the said Board each year at the time of making up the departmental estimate, to prepare a full and detailed statement of the assets of said special fund, and the amount which is required to pay in full all such salaries, and to present the same to the Mayor and City Council and the Board of Estimates, together with a statement of the amount of money required to enable the said Board of Police Commissioners to pay the said salaries in full. It shall be the duty of the Mayor and City Council and said Board of Estimates to make an appropriation sufficient to provide for such deficiency, and the amount so appropriated shall be included in the tax levy, and the Comptroller shall pay over the money to the Treasurer of the special fund.

12. And the said Board of Police Commissioners, as trustees of the special fund, is hereby authorized and empowered to take and hold, as trustees of such fund, any and all gifts or bequests which may be made to such fund.

**776D.** The Board of Police Commissioners shall have power in its discretion to pay to the widow of any member of said police force within the limits of said City who shall have been killed while in the actual performance of duty, or shall have died in consequence of injuries received while in the discharge



of duty an allowance until she re-marries. If there be no widow, but a child or children, then to pay to such child or children, whilst under the age of eighteen years, a sum such as parent would have been entitled to out of said special fund.

**776E.** Salaries granted under Chapter 494, of the Acts of the General Assembly of Maryland, passed at the January session 1898, and all other salaries granted by special Acts shall be for the natural life of the retired or disabled officer, and shall not be revoked, repealed or diminished except for causes therein provided.

**776F.** No member of the police force, whether policeman, officer of police, detective, clerk, turnkey, or in any other capacity, shall be granted, awarded or paid a retiring salary on account of physical or mental disability or diseases, unless certificate of so many of the police surgeons or other competent and reputable physicians as the Board of Police Commissioners may require, which shall set forth the cause, nature and extent of the disability, disease or injury of such member, shall be filed in the office of the Board, and no member shall hereafter be retired upon salary or be salaried, nor shall any money or salary be awarded, granted or paid except as provided in this Chapter, and Chapter 494, of the Acts of the General Assembly of Maryland, passed at the January session, 1898, any other law to the contrary notwithstanding. The said Board of Police Commissioners is authorized and empowered to make and adopt all such rules, orders and regulations as are or may be necessary to carry out and enforce the provisions of this Act.

**777.** In addition to the sums of money now authorized by law to be paid out of the fund so as above constituted and designated, the said Board of Police Commissioners are empowered, whenever, in their opinion, the efficiency of the service may require it, to retire any officer of police, policeman, detective, clerk or turnkey, appointed by them, and pay him in monthly instalments out of said fund, for life, a sum of money not to exceed one-half of the amount of money monthly paid to him as such officer of police, policeman, detective, clerk or turnkey at the time of his said retirement; *provided*, however, he shall have

served faithfully not less than sixteen years as such officer of police, policeman, detective, clerk, turnkey, or shall have been permanently disabled in the discharge of his duty as such officer of police, policeman, detective, clerk or turnkey; and the said Board shall in all cases, before making such retirement, procure and file among their records a certificate signed by a majority of the physicians appointed by the Board of Police Commissioners as physicians of the Police Department, that the person proposed to be retired has been thoroughly examined by them, and that he is incapable of performing active police duty; and the said Board of Police Commissioners shall have power, in their discretion, to suspend payment to any such officer of police, policeman, detective, clerk or turnkey for a term not to exceed three months for the first offence, for the second offence for a term not to exceed six months, and for the third offence, any such officer of police, policeman, detective, clerk or turnkey shall be subject to dismissal, upon proof given that the said officer of police, policeman, detective, clerk or turnkey, is living an improper or immoral life.

**778.** The Board of Police Commissioners for the City of Baltimore are authorized to pay out of the special fund mentioned in section 776 of this Article, the cost of the maintenance and operation of the police patrol boat recently built and manned by said Board under authority conferred by law on said Board, including therein the wages of engineers and firemen of said boat; and said Board are authorized to appoint on its force two officers for said boat, who shall be styled commander and first officer, respectively, of the police patrol boat, and shall have the rank and pay of Lieutenants of Police of the City of Baltimore.

**779.** The Board of Police Commissioners for the City of Baltimore are hereby authorized, out of the special fund mentioned in section 776 of this Article, to pay the purchase money of the ground needed for the erection of station-houses hereafter required for the uses of said Board, and also the cost of the erection and repair of said station-houses.

**780.** The Board of Police Commissioners for the City of Baltimore are hereby authorized and directed to pay to James M. Moore, a retired patrolman of the police force of Baltimore City, out of a fund in the hands of said Board of Police Commissioners known and accounted for as the special fund, the sum of twelve dollars per week for his life, in lieu of the sum of six dollars per week now paid said James M. Moore by said Board of Police Commissioners, under and by authority of an Act of the General Assembly of Maryland (Chapter 459, Laws of Maryland, eighteen hundred and eighty-six), entitled "An Act to define a fund of money now in the hands, or which under existing laws may come into the hands, of the Board of Police Commissioners for the City of Baltimore, and to provide for its application," approved April 7th, eighteen hundred and eighty-six.

*Long Bridge.*

**781.** The jurisdiction and authority of the Board of Police Commissioners for the City of Baltimore is hereby declared to extend to and over the bridge across the Patapsco river, known as the Long Bridge or Light Street Bridge; and said Board and their police force shall on and under said bridge, preserve the public peace, prevent crime, arrest offenders, protect the rights of persons and property, and prevent and remove nuisances; provided, however, that if any crime be actually committed by any person who shall be arrested by said police, the offender shall be delivered to the proper jurisdiction for trial and punishment.

*Telegraph to House of Correction.*

**782.** The Mayor and City Council of Baltimore shall keep and maintain, at their own proper cost and expense, the line of telegraph from the House of Correction, in Anne Arundel county, to the police headquarters in Baltimore City, transferred to them by the Board of Public Works, and are invested with all the rights and privileges granted to telegraph companies under the General Incorporation Laws of the State in the working and maintenance of this line.

*Thieves and Pickpockets.*

**783.** It shall be the duty of all police officers in Baltimore City to arrest and take before some one of the station-house Justices in Baltimore City, all persons whom they shall find in any passenger railway car, or in or about any railway depot in Baltimore City, or in any place of public amusement, or in any street of the City, who they shall know or have good reason to believe are common thieves or pickpockets, and said Justices shall commit or bail such persons for trial before the Criminal Court; and if any person in Baltimore City shall be charged on oath before any station-house Justice of the Peace in Baltimore City, or before the Judge of the Criminal Court, with being a common thief or pickpocket, such Justice or Judge shall issue a warrant for the arrest of such person, and commit or bail him for trial; and any person convicted in the Criminal Court of Baltimore of being a common thief or common pickpocket, shall be imprisoned in jail not more than two years nor less than six months, and be fined not more than one hundred dollars; but if any person is arrested a second time, or more, for such offence, he shall be convicted only on proof that he has continued to be a common thief or pickpocket for at least one month since his last conviction or acquittal, and it shall be necessary to charge in the indictment only that the person is a common thief or common pickpocket; and any evidence either of facts or reputation proving that such person is habitually and by practice a thief or pickpocket shall be sufficient for his conviction, if satisfactorily establishing the fact to the court or jury by whom he is tried; and there shall be no discretion in any police officer or Justice of the Peace to discharge or release any person who is by such proof before them, or knowledge on their part, shown to be a thief or pickpocket as aforesaid, but such person shall be bailed or committed for trial, and no conviction or charge of, or for being a common thief or pickpocket, shall prevent any such person from being tried and convicted for any particular act of larceny he may have committed.

**784.** If any person shall be arrested at any place on the line of the Baltimore and Ohio Railroad, or on the line of the Northern Central Railroad, or on the line of the Philadelphia, Wilmington and Baltimore Railroad, or in any of the cars or depots, or at any of the stations on said roads, or on any ferry-boat employed to carry passengers over any part of said road, and within the limits of this State, charged with being a common thief or pickpocket, such person may be taken before any Justice of the Peace of the county in which said place or depot or station may be situated; or if such person be arrested in any car, or on any ferry-boat, before any Justice of the Peace of the nearest convenient county or any station-house Justice of the City of Baltimore; and such Justice shall, on proof, as provided in the preceding section, commit or bail such person for trial before the Circuit Court of the county, or the Criminal Court of Baltimore, as the case may be; and all police officers of Baltimore City, and all conductors of trains and police employed by any of said railway companies, and all constables and bailiffs of any county or city on the lines of said road, shall arrest all such persons at any of the places aforesaid, on the same knowledge and proof of their being common thieves or pickpockets as provided in the preceding section, and the said Justice shall commit or bail such person on the same knowledge or proof; and any person convicted in any county on the line of said roads of being a common pickpocket, shall be punished by a fine or imprisonment in the jail of the county for the same time and in the same amount as provided in the preceding section; and all the provisions of the preceding section shall apply to all cases under this section, except so far as altered by this section.

*Personating Policemen.*

**785.** It shall be a misdemeanor, punishable by imprisonment in the jail of Baltimore City for not more than one year, or by fine of not less than five dollars, for any person not a member of the police force of Baltimore City, to falsely represent himself as being such member, with fraudulent design upon person or property, or upon any day or at any time to have, use, wear or display, without the authority of the Board

of Police Commissioners of Baltimore, any shield, button, wreath, number or any other insignia or emblem of office, such as are worn by the police force of said City.

*New Station Houses.*

**786.** The Board of Police Commissioners are authorized and empowered to purchase or lease ground in the twenty-first and twenty-second wards in the City of Baltimore, or either of them, as may be suitable in their judgment for the erection of a station-house or houses thereon, and that they be and are hereby authorized and empowered to have erected thereon such station-house or houses as they may deem suitable and proper.

**787.** The title to said lot of ground and the improvements thereon, shall be vested in the Mayor and City Council of Baltimore City.

**788.** The purchase of said ground, and the cost of erection of said station-house or station-houses, shall be paid by the said Board of Police Commissioners out of their special fund.

**PRATT FREE LIBRARY.**

**789.** It shall be the duty of the Mayor to appoint a visitor, who shall, as often as once a year, examine the books and accounts of the Trustees of the "Enoch Pratt Free Library of Baltimore City," and make a report thereof to the Mayor and City Council of Baltimore; and said Mayor and City Council shall, in case of any abuse of their powers by said Trustees or their successors, have the right to resort to the proper courts to enforce the performance of the trust imposed on them.

**790.** The real estate and personal property vested in said Mayor and City Council by virtue of the Acts of 1882, chapter 181, authorizing the establishing of the Enoch Pratt Free Library of Baltimore City, and to become vested by future purchases under the provisions of said Act, and the funds and

franchises of the "Enoch Pratt Free Library of Baltimore City," shall be exempt from all State and municipal taxes, forever.

#### RAILROADS.

##### *Safety Gates.*

**791.** All railroad companies whose tracks cross any street in Baltimore City at grade, are required to place, erect and keep in operation and repair, safety gates at all such street crossings in said City, which said gates shall be closed on the approach of any and every train of cars or locomotive, and kept closed until the said cars or locomotive have completely passed said street crossings.

**792.** Any railroad company violating the provisions of the foregoing section shall be liable to a fine of fifty dollars for each crossing, and for every day on which said safety gates are neglected to be erected or operated; said fine to be collected as other fines are now collected.

##### *Hours of Labor.*

**793.** No street railway company incorporated under the laws of this State, and no officer, agent or servant of such corporation, and no person or firm owning or operating any line or lines of street railways within the limits of this State, and no agent or servant of such firm or person shall require, permit or suffer its, his or their conductors or drivers, or any of them, or any employees in its, his or their service, or under his, its or their control, to work more than twelve hours during each or any day of twenty-four hours, and shall make no contract or agreement with such employees, or any of them, providing that they or he shall work for more than twelve hours during each or any day of twenty-four hours.

**794.** Any corporation which shall in any manner violate any of the provisions of the preceding section shall be deemed to have misused or abused its corporate powers and franchises, and the Attorney-General of the State, upon the application in

writing, made by any citizen of this State, accompanied by sufficient proof of such violation, shall forthwith, without further authorization, institute proceedings for the forfeiture of the charter of such corporation, by petition in the name of the State, in the manner provided by the laws of this State for the enforcement of the forfeiture of the charter of any corporation which has abused or misused its corporate powers or franchises.

**795.** If any corporation, or any officer, agent or servant of such corporation, or any person or any firm managing or conducting any street railway in this State, or any agent or servant of such person or firm, shall do any act in violation of the provisions of section 793, it, he or they shall be deemed to have been guilty of a misdemeanor, and shall, on conviction thereof in a court of competent jurisdiction, be fined one hundred dollars for each offence so committed, together with the costs of such prosecution.

### *Street Railway Fares.*

**796.** The United Railways & Electric Company of Baltimore, its successors and assigns, shall charge five cents, and no more, as a fare for the conveyance of each passenger over twelve years of age, and three cents, and no more, for each child between the ages of four and twelve years, from any point on any of its lines to any other point on such lines within the City of Baltimore ; *provided*, That such Company shall give a free transfer, when the same shall be requested, upon the payment of each cash fare, which transfer shall be good at all points of intersection of lines of said railway for a continuous ride, except at such points on said lines where such form a route so as to permit a passenger to return in the same general direction of the line upon which the transfer was issued, the privilege of the transfer not to apply to the terminus of any line or route ; *provided*, That nothing in this Act shall be construed to affect any of the interests of the Mayor and City Council of Baltimore in the said United Railways & Electric Company of Baltimore ; or any of the railways consolidated under the corporated name.



*Park Tax.*

**797.** The said several passenger street railway companies shall pay to the Mayor and City Council of Baltimore, a tax upon their gross receipts of nine per cent., in quarterly instalments, on the first day of January, April, July and October, in each year.

**798.** The Board of Park Commissioners, or any agent or agents of the said Commissioners, authorized in writing by a certificate signed by the president and secretary thereof, shall have authority and power from time to time, and at any time the said Board of Park Commissioners see fit, to make examination of the books, accounts and car fare registers of any or all of the street railway companies in the City of Baltimore, for the purpose of satisfying said Board of Park Commissioners that returns of the "park tax" are fairly and correctly made by said companies, and by each and every one of them; and any street railway company whose officers shall neglect or refuse, on demand of said Board of Park Commissioners, to permit the said Commissioners or any agent or agents of said Commissioners authorized in writing as above prescribed, to at any time inspect its said books, accounts and car fare registers or any of them, shall forfeit and pay a fine of one hundred dollars for each and every day it shall so neglect or refuse to comply with such demand; said penalty to be collected by an action of debt in the name of the Mayor and City Council of Baltimore.

**799.** On default of any of the street railway companies operating street railway lines within the present City limits, in the payment of the park tax of nine per centum of the gross receipts from all street railway lines within the present City limits, for the term of ten days after the expiration of any quarter, the company or companies so in default shall pay a penalty at the rate of thirty per cent. per annum, on the amount due from it, for the time it shall continue in default; said penalty to be recovered by an action of debt, in the name of the Mayor and City Council of Baltimore.

**800.** If any officer, agent or employee of any street railway company within the City of Baltimore shall knowingly, wilfully and corruptly certify to the Board of Park Commissioners a less sum than is actually due as the park tax of nine per centum of the gross receipts from the lines of such company within the City limits, he shall be guilty of a misdemeanor, and on conviction thereof shall suffer imprisonment for not more than six months in jail, or pay a fine of not more than one thousand dollars, or both, in the discretion of the court.

*Prohibiting Tracks on Certain Streets.*

**801.** It shall not be lawful for any person or corporation to lay any railway tracks upon Mount Royal avenue between Guilford and North avenues, or upon Cathedral street between Saratoga street and Mount Royal avenue, or upon Saint Paul street from Baltimore street northerly to the City limits, or upon Calvert street from Read street northerly to the City limits, or upon Gough street from Bond street easterly to Patterson Park avenue, or upon Broadway from Baltimore street north to North avenue, except upon the streets where tracks are now laid, or upon Caroline street between Preston street and North avenue, or upon Eager street between Park and Wolfe streets, or upon the old York Road from its intersection with the York Turnpike to Willow avenue, in the City and County of Baltimore, or upon McCulloh street between Eutaw street and North avenue, or upon Baltimore street between Patterson Park avenue and Canton street, or on Barclay street, or on Biddle street between Broadway and Maryland avenue, and when the tracks of the Lake Roland Elevated Railway Company shall have been removed from Oak street, Hampden street, Cedar avenue, Elm avenue, and Merryman's Lane, in the City of Baltimore, thereafter it shall not be lawful for any person or corporation to lay any railway tracks upon the said portion of said streets so occupied by the said Lake Roland Elevated Railway Company, or upon any of the streets, lanes, avenues and highways above mentioned, without the consent of the General Assembly of Maryland; provided, that this subdivision of this Article shall not restrict in any way the right of any passenger railway now incorporated, or that may hereafter be incorporated, to cross said streets where such railway com-

pany shall be authorized by the Mayor and City Council of Baltimore to use any street or avenue opening into or crossing said before-mentioned streets or highways. The maintenance or laying of any tracks for street railways or other purposes on Cedar avenue, in the City of Baltimore, be and is hereby forbidden.

#### RECORDS.

**802.** It shall be the duty of the Clerk of the Superior Court of Baltimore City to formulate and prepare a new plan or system for the indexing of all deeds, conveyances and other papers required by law to be recorded among the land records in his office, and submit the same to the Supreme Bench of Baltimore City for its approval.

**803.** Upon the adoption and approval of the plan or system of indexing authorized by the preceding section, the Clerk of the Superior Court of Baltimore City is authorized and directed to make and prepare for use in his said office, a new index of all land records and conveyances in his keeping, upon the plan or system so adopted and approved, in books suitable for the purpose; and all deeds and conveyances hereafter recorded among said land records, shall be indexed upon the plan or system aforesaid.

**804.** Whenever, from age or wear, any of the record books in the keeping of the Clerk of the Superior Court of Baltimore City shall be in danger of destruction or obliteration, it shall be the duty of the clerk of said court, when required so to do by the Supreme Bench of said City, to renew any such record book by transcribing the same into new books.

**805.** The cost of making and preparing such new indexes and records shall be paid out of the fees collected by the Clerk of the Superior Court aforesaid.

#### SABBATH.

**806.** No vehicle of any description shall be permitted to carry ice upon the streets or highways of Baltimore City, for

the purpose of selling the same, on the Sabbath Day, commonly called Sunday.

**807.** If any person or corporation be found guilty of causing or in any way contributing to the violation of the preceding section, he or it shall be subjected to a fine of not more than fifty dollars, in the discretion of the courts.

#### SCHOOLS.

##### *Intestates' Estates.*

**808.** The Orphans' Court of said City shall order and direct the funds arising from intestates' estates that may be administered upon in said court, and which remain undistributed for want of legal representatives of the intestates to claim the same, to be paid to the Board of School Commissioners.

**809.** The court shall not make such order until they shall be satisfied that the intestate left no legal representatives living at the time of his death; and they shall cause the administrator of such intestates to give notice, by advertisement to be inserted for such periods of time and in newspapers published in such places as they may deem necessary, that upon default of the appearance of any legal representative of the intestate, by a certain day to be fixed by the court and named in said advertisement, the estate of said intestate will be paid to the Board of School Commissioners.

**810.** They shall, upon passing an order directing such payment, require from the Treasurer of the Board of School Commissioners, or any other officer who may be appointed by the said Board of School Commissioners or the Mayor and City Council of said City to receive such funds, a receipt and release to the administrator for the same.

**811.** The release shall contain an obligation that the said funds shall be applied by the Board of School Commissioners to the use and support of the public schools of the City of Baltimore, and shall be recorded and preserved in said court as other records are.

**812.** If the estate of an intestate shall be paid to the Board of School Commissioners under this law, and any legal representatives of the intestate of no remoter degrees among collaterals than brothers' or sisters' children, shall at any time appear and prove him, her or themselves to be such legal representatives, the Board of School Commissioners who received such estate, or their successors, if the same shall be in their hands or shall have been applied to the use of the public schools, shall restore the same to such legal representatives out of the school fund under their direction.

**813.** Nothing contained in this sub-division of this Article shall be construed to interfere with or affect the rights vested in the Charitable Marine Society of Baltimore.

*Johns Hopkins University.*

**814.** The Johns Hopkins University, a corporation duly incorporated by certificate recorded in the office of the Clerk of the Circuit Court for Baltimore County, shall have power to establish branches of the said university in the City of Baltimore, to hold, or to purchase and hold, all property in said City, needed for the successful conducting of the branches of the said university in said City, and to keep and maintain a principal office in said City for the conduct of the business of the said university.

**815.** The said Johns Hopkins University shall have power to admit students of the said university who shall merit the distinction to the office and profession of surgeon, or to the degree of doctor of medicine, or of doctor of laws, or of bachelor or master of arts; to grant to students in such university such certificates of proficiency and attainments in any special study as the said university may see proper to confer; and to grant the honorary degrees of doctor of laws, doctor of medicine, and master of arts, or such other degrees as may be proper, to any person who may merit such distinction, whether such person be a student of such university or not.

*McDonogh Educational Fund and Institute and Other Institutions.*

**816.** The Mayor and City Council of Baltimore is authorized, upon the transfer and surrender to it, by the Board of Trustees of the McDonogh Educational Fund and Institute, of the City stock or certificates of indebtedness, in which the said educational fund is now, under the City ordinances, invested, in consideration of such transfer and surrender, to issue and deliver to the said Board of Trustees, the stock or certificates of indebtedness of the Mayor and City Council of Baltimore, to the amount of one million of dollars, in the form prescribed by law for such certificates, redeemable in the year of our Lord nineteen hundred and thirty-eight, and bearing interest, payable quarterly, at the rate of five per cent. per annum. To pass an ordinance providing for the said transfer and surrender of said City stock or certificates of indebtedness, in which the educational fund derived under the will of John McDonogh, is now invested, and for the issue and delivery to the Trustees of the McDonogh Educational Fund and Institute, in consideration of such transfer of said City stock or certificates of indebtedness of the Mayor and City Council of Baltimore, to the amount of one million of dollars. Before the ordinance which the Mayor and City Council of Baltimore is authorized and empowered to pass, shall take effect, it shall be approved by a majority of the votes of the legal voters of the said City, cast at the time and places to be appointed by said ordinance for submitting the same to the legal voters of said City, as required by section 7 of Article XI, of the Constitution of Maryland. To appropriate annually for the Baltimore Manual Labor School for Indigent Boys, sum or sums of money not exceeding fifteen hundred dollars per annum. Upon transfer and surrender to it, by the Peabody Institute of the City of Baltimore, of six per cent. City stock, to an amount not exceeding five hundred thousand dollars, to issue and deliver to the said Peabody Institute, in consideration of such transfer and surrender. City stock in the form prescribed for such certificates by the Baltimore City Code of eighteen hundred and seventy-nine, redeemable in the year of our Lord nineteen hundred and fifty, and bearing interest at the rate of not more than five per cent.

per annum, payable quarterly; and to pass an ordinance providing for such transfer of said stock, and for the issue and delivery to the said Peabody Institute, in consideration of such transfer and surrender of stock or certificates of indebtedness of the Mayor and City Council of Baltimore, to the amount of not over five hundred thousand dollars, as authorized above, bearing interest at not more than five per cent. per annum, payable quarterly.

#### SEWERS.

**817.** If any person shall wilfully stop up, obstruct, injure or damage the passage of the waters of any of the common or private sewers or drains, he shall be fined a sum not exceeding one hundred dollars, to be collected as other fines are collected.

**818.** The Mayor and City Council of Baltimore shall have full power to provide for constructing, opening, enlarging or straightening, subject to the provisions hereinbefore contained as to the Board of Public Improvements and the Board of Estimates, any sewer or drain, public or private, through any private property, upon giving thirty days' notice in writing to the owner or agent of said private property, or to one of them, if more than one, leaving such notice at the usual place of abode of such owner or agent, or at the usual place of abode of one of them, if more than one, or if none of said parties live in the City of Baltimore, by setting up said notice on the land or premises, to provide for ascertaining what amount of actual benefit will thereby accrue to the owner or possessor of any ground or improvements within or adjoining the City, being governed as far as practicable by the number of superficial feet drained, and to provide for assessing and levying, either generally on the whole assessable property of the said City, or by a loan for the special purpose for constructing, opening, enlarging or straightening any sewer, the sum necessary to pay the expense or cost, or specially on the property of persons actually benefited, the whole or any part of the damages and expenses which they shall ascertain will be incurred in constructing, opening, enlarging or straightening any sewer in any street, lane or alley, or through any private property in said City; to provide for grant-

ing appeals to the court having jurisdiction thereof in Baltimore City, from the decision of any commissioners or other persons appointed in virtue of any ordinance to ascertain the damage which will be incurred or the benefits which will accrue to the owners or possessors of any ground or improvements for constructing, opening, enlarging or straightening in any street, lane or alley, or through any private property, any sewer which in their opinion the public welfare or convenience may require, and for securing to every such owner or possessor the right on application within a reasonable time to have decided by a jury trial whether any damage and what amount of damage has been caused, or whether any benefit and what amount of benefit, has accrued to them; and to provide for collecting and paying over the amount of compensation adjudged to each person to receive the same, or investing in stock of said corporation, bearing interest of five per centum per annum, for the use of any person who, because of infancy, absence from the City, or other cause, may be prevented from receiving it, before any sewer shall be constructed, opened, enlarged or straightened in any street, lane or alley, or through any private property, and to enact and pass all ordinances from time to time which shall be deemed necessary and proper to exercise the power and effect the objects herein specified.

**819.** The amount of benefits assessed on any property for constructing, opening, enlarging or straightening any sewer in any street, lane or alley, or through any private property, constructed, opened, enlarged or straightened by virtue of any ordinance passed by the Mayor and City Council of Baltimore, shall be a lien on the property and recoverable as City taxes are.

**820.** No private sewer or drain shall be constructed, altered or repaired without a permit from the City Engineer.

**821.** Before the Mayor and City Council of Baltimore shall pass any ordinance under this Article relating to the constructing, opening, enlarging or straightening any sewer through any street, lane or alley, or through any private property, notice shall be given of an application for the passage of such an ordinance in at least two of the daily newspapers of said City, twice a week for sixty days.



**822.** Before any Commissioners appointed by any ordinance of said corporation under the preceding sections hereof shall proceed to the performance of their duty, they shall give daily notice, in at least two newspapers in the City of Baltimore, of the object of the ordinance under which they propose to act, at least thirty days before the time of the first meeting to execute the same.

**823.** Should the Commissioners appointed by the Mayor and City Council of Baltimore assess any part of the expense and damage incurred in the construction, opening, enlarging or straightening any sewer in the City, upon the Mayor and City Council of Baltimore, the said Mayor and City Council of Baltimore may levy a tax on the assessable property of the City for the amount of such assessment, or they may raise the necessary amount by a loan, for the payment of which they may create a sinking fund to meet the liabilities incurred; and may also levy on the assessable property of the City of Baltimore from time to time such sums as may be necessary to provide therefor, and for the principal and interest of the liabilities incurred, and may pass all ordinances necessary to carry out the provisions of the same.

**824.** The Mayor and City Council of Baltimore are authorized to issue the stock of the City of Baltimore for the amount of five millions of dollars; said stock to be issued from time to time as the Mayor and City Council of Baltimore shall by ordinance prescribe; the proceeds of said stock to be used for the opening, widening, repaving and paving of streets, the constructing of sewers, the supplying of school buildings in the City of Baltimore, and the improvement of the public parks. The said stock shall be in such amounts, payable at such time or times, and shall bear such rate of interest as the said Mayor and City Council of Baltimore shall provide by ordinance; but the said stock shall not be issued unless the ordinance which the Mayor and City Council of Baltimore is hereby authorized to enact shall be approved by a majority of the votes of the legal voters of said City, cast at the time and place to be appointed by said ordinance in the provision for submitting the same to the legal voters of said City, as required by section 7 of Article XI of the Constitution of the State.

## SHERIFF'S FEES.

**825.** The Sheriff of Baltimore City shall hereafter receive for the services hereinafter recited, fees as follows:

For serving an attachment of contempt and return, one dollar and fifty cents.

For an arrest on warrant and return in criminal cases, one dollar.

## STOCKS, LOANS AND FINANCE.

**826.** The Mayor and City Council of Baltimore are authorized and empowered to endorse the bonds of the Baltimore and Eastern Shore Railroad Company, to the extent of ten thousand dollars per mile of said railroad, as the same is completed; *provided*, that no such endorsement shall be made until an ordinance of the Mayor and City Council of Baltimore, authorizing and directing the same, and the terms and conditions, and mode and manner of making said endorsement shall have been submitted to the legal and qualified voters of the City of Baltimore, at such time and place as may be fixed by said ordinance, to be approved by a majority of votes cast at such time and place; *provided* further, that the aggregate amount of such endorsements shall not exceed the sum of five hundred thousand dollars, and that the bonds so endorsed shall be secured by first mortgage on the property and franchises of said Baltimore and Eastern Shore Railroad, and shall bear interest at a rate not exceeding three and one-half per cent. per annum; and provided further, that before the said ordinance shall be passed by the Mayor and City Council of Baltimore, or submitted to the voters of said City, the propriety of making said endorsement shall receive the approval and endorsement of the Board of Trade of the City of Baltimore, of the Corn and Flour Exchange, of the Merchants and Manufacturers' Association of said Baltimore City, and of the Merchants and Manufacturers' Association of Old Town, expressed by a majority vote of said associations, respectively, and duly certified to the Mayor and City Council of Baltimore.

## STREETS, BRIDGES AND HIGHWAYS.

*Opening Streets.*

**827.** Whenever any property shall have been condemned in any form of proceeding for the use of the Mayor and City Council of Baltimore, and in consequence of infancy, insanity, absence from the City, of any person or persons entitled to receive any money awarded in any such proceeding, conflicting claims, refusal to accept or any other cause, such money cannot be safely or reasonably paid to any person or persons, it shall be lawful for the Mayor and City Council of Baltimore to file a bill or petition in any Court of Equity in the City or County where the property is condemned, or any portion thereof, lies; and whenever such court shall be satisfied for any of the persons aforesaid that such money ought to be paid into such court, it shall pass such decree as it shall deem proper, and the payment of any money into court under any such decree or order shall be considered in all respects equivalent to a tender thereof to any person or persons entitled to such money and who may be made a proper party to such proceeding.

**828.** Before they shall pass any ordinance under section 6 of this Article, paragraph "Streets, Bridges and Highways," relating to the laying out, opening, extending, widening, straightening or closing up, in whole or in part, of any street, square, lane or alley within Baltimore City, notice shall be given by advertisement published once a week for six consecutive weeks in two of the daily newspapers in the said City, that application shall be made for the passage of such ordinance, which notice shall set forth clearly, in the case of laying out, opening or extending any street, square, lane or alley, the length or width of such street, square, lane or alley, or part thereof to be laid out, opened or extended, and in the case of widening or straightening shall set forth clearly both the present and the intended width, and also the length of any street, lane or alley, or part thereof intended to be widened or straightened, and in case of closing shall set forth clearly the length and width of the street, lane or alley, or any part thereof, intended to be closed; and notice shall also be given by filing in the office of the Commissioners for Opening Streets on or before the first day of such publication, a map on

the scale, not smaller than fifty feet to the inch, prepared by some competent surveyor, whose name shall be signed to the same, which, in case of laying out, opening, extending, widening or straightening shall show, the course and the lines of the projected improvement, and also the lots and buildings thereon which shall be taken or destroyed, in whole or in part, and which, in the case of closing, shall show the street, lane or alley, or part thereof, intended to be closed, and also the abutting lots and improvements thereon. It shall be the duty of the Commissioners to endorse on said map their names, with the date of its being filed in their office, and to keep the said map where the public may have access to it, whenever said map may be needed for the purpose of being shown at any meeting of the City Council or of any committee thereof, they may, on the written order or request of the President of either Branch of the City Council or of the chairman of such committee, and on obtaining his receipt therefor, allow the said map to be taken from their office for that purpose, to be returned on the following day.

**829.** Before any commissioners appointed by any ordinance of said corporation under the two preceding sections shall proceed to the performance of their duty, they shall give notice in at least two of the daily newspapers in the City of Baltimore of the object of the ordinance under which they propose to act, at least thirty days before the time of their first meeting to execute the same.

**830.** A tenant for ninety-nine years, or for ninety-nine years, renewable forever, or the executor or administrator of such tenant, or the guardian of an infant owner, or a mortgagee in possession, shall be deemed and taken as an owner for the purposes of any application to the Mayor and City Council authorized by this sub-division of this Article; and the application of any such person shall bind the property so represented for any assessment or tax made under an ordinance passed in pursuance of the provisions of this sub-division of this Article.

**831.** Where real estate within the said City has been or may be divided according to law among heirs, legatees, joint tenants or tenants in common, entitled to the same, and such division calls for any of the streets, lanes or alleys, of any part thereof

surveyed and laid off under the Act of 1817, chapter 148, or reserves any of the said streets, lanes or alleys, or any part thereof, as open, and divides such estate with reference thereto, the Mayor and City Council of Baltimore may, on application of one or more persons interested in the ground to be taken on such application, adopt and sanction by ordinance the principle under which such division was had, and open any of the said streets, lanes or alleys, or any parts thereof, in the said division reserved or recognized; provided, at least one week's notice in the newspapers of said City (the cost of the advertisement to be paid by the applicants), be given of such application before any such ordinance shall pass.

**832.** All the streets, lanes or alleys opened in the manner directed in the preceding section shall be public highways, and be subject to the laws, regulations and ordinances applicable to public streets, lanes or alleys, or parts thereof, in said City.

**833.** They may, on application of the owners of a majority of feet in front of any private wharf, dock, street, lane or alley, cause the same to be paved, cleaned out, mended or otherwise repaved or kept in good condition or repair, and may impose upon and collect from all the proprietors of the property so to be cleaned out or repaired, a tax sufficient in amount to defray the expenses thereof, which shall be assessed upon the proprietors in proportion to the number of feet held by them, respectively, in front or length, and shall be collected by the Mayor and City Council of Baltimore as taxes levied for paving public streets.

**834.** Whenever the Commissioner of Health shall certify in writing to the Mayor that it is necessary for the health of the City to alter the grade of any street, lane or alley on low or made ground, the Mayor shall issue his order to the City Engineer, who shall thereupon call upon the several property-holders on such street, lane or alley, and procure from them their assent in writing to such alteration; and if any property-holder shall refuse to permit the same to be graded, and shall require damages therefor, and cannot agree with the City Engineer as to the amount of damages, or should there be any

legal disability on the part of those owning property on such street, lane or alley, the Judge of the Baltimore City Court, on application of the corporation, shall appoint three disinterested persons to assess such damages, who shall return on oath their award to said court, and the same shall be confirmed by the court unless cause to the contrary be shown; in which case the court shall at the first term thereafter decide finally thereon; and when the damages so assessed or agreed upon shall be paid by the Mayor and City Council of Baltimore to the persons so assessed, and legally entitled to receive the same, the Mayor and City Council of Baltimore may proceed to regrade and pave the said street, lane or alley.

**835.** The president, directors and companies of the different turnpike companies owning roads running into the City of Baltimore, may cede to said City such parts of said roads as lie within the corporate limits of said City; and the same, when ceded, shall be in all respects subject to the same regulations as unpaved public streets.

**836.** The Mayor and City Council of Baltimore be and it is hereby authorized and empowered to accept from the owners thereof, a deed of the land lying in the bed of Eutaw Place extended, between North avenue on the southeast and Druid Hill Park on the northwest, in consideration of an agreement on the part of said grantee, to be incorporated therein, that no street car or other railroad tracks shall at any time thereafter be located or placed on any part thereof.

**837.** That upon the execution of said deed and acceptance thereof by the Mayor and City Council of Baltimore embodying said contract prohibiting the locating or placing car tracks upon any part of the land so to be granted, the said contract shall be and is hereby declared to be forever thereafter inviolable; provided, however, that nothing herein contained shall prevent the Mayor and City Council of Baltimore from authorizing by ordinance the location or construction of car tracks on such part of the bed of said street as are contained within the limits of intersecting or cross streets that are now or may hereafter be provided for by ordinance of said Mayor and City Council of Baltimore.

*North Avenue.*

**838.** The bed of North avenue, throughout its entire length, shall in all respects be hereafter held as the bed of any other street or avenue in Baltimore City, so far as the same be laid down on Poppleton's map of Baltimore City, and subject to all the conditions or requirements of any other street or avenue in said City; and any and all of the ground fronting thereon, whether in Baltimore City or County, shall, in the event of said avenue, or any part thereof, being graded, curbed, paved, shelled, graveled, or in any like manner improved, be subject to the same assessment for the cost of said grading, curbing, paving, graveling, shelling, or like improvement, as would be the case with ground fronting on any other street or avenue in the City, similarly to be improved as aforesaid; and such ground and the owners and representatives thereof shall in such event be held liable for said assessments, and the said avenue be subject to all the Acts of Assembly and ordinances of the Mayor and City Council of Baltimore which are now or may be hereafter in force and applicable for grading, curbing, paving, graveling, shelling or any like improvement of streets or avenues in Baltimore City.

*Bridges and Highways.*

**839.** The bridges which the County Commissioners of Baltimore County have heretofore agreed to build within the limits of the territory which has become annexed to Baltimore City under the Act of 1888, chapter 98, shall be completed by the City of Baltimore; and all bridges within the limits of said territory shall be maintained and kept in repair for public travel at the expense of Baltimore City; all bridges crossing the Patapsco river from said City, including the bridge known as the "Long" or Light Street Bridge, shall be maintained and kept in repair for public travel at the sole expense of the said City of Baltimore.

**840.** No avenues, streets or alleys within the territory annexed to the City of Baltimore by the Act of 1888, chapter 98,

shall hereafter be opened, established or condemned, nor shall the dedication of any avenue, street or alley hereafter made in said territory be accepted by the Mayor and City Council of Baltimore, unless the lines and grades of said avenues, streets or alleys be opened, established, condemned or dedicated to conform to the plans, plats and surveys, defined by the topographical survey of the City of Baltimore, prepared under the supervision of Henry T. Douglas, chief engineer, unless otherwise provided in an Act of Assembly; *provided*, that the plan of said topographical survey shall be approved by an ordinance or formal resolution of the Mayor and City Council of Baltimore.

**841.** All streets, avenues or alleys lying in that portion of Baltimore City, formerly constituting a portion of Baltimore County, and in pursuance of the Act of the General Assembly of Maryland of 1888, chapter 98, recently annexed to the said City of Baltimore, which had prior to such annexation become streets, avenues or alleys in Baltimore County, whether by deed or dedication, shall be held for all purposes to validly constitute streets, avenues or alleys of Baltimore City, in all respects as if the same had been legally condemned as such by the Mayor and City Council of Baltimore.

#### SURVEYOR.

**842.** A copy of the plat of the City of Baltimore from the record thereof in the Mayor's office, or from the record thereof in the office of the Clerk of the Superior Court of Baltimore City, duly certified under seal by the keeper of such records, respectively, shall be evidence.

#### TAXES.

**843.** All taxes now levied, or which hereafter may be levied in the City of Baltimore, shall be collected within four years from the levying of the same; and the collection of taxes shall not be enforced by law after the lapse of said four years, and



the party from whom said taxes may be demanded may plead this section in bar of any recovery of the same. Any person enforcing or attempting to enforce the collection of any tax after the lapse of four years, shall be liable to a penalty of twenty dollars for each and every offence, recoverable before a Justice of the Peace, in the name of the State, one-half to the informer, the other half to the City of Baltimore.

#### TENANTS FOR YEARS OR LESS OR AT WILL.

**844.** Where any lands or tenements in the City of Baltimore are held from year to year, the tenancy shall be terminated if the lessor give to the tenant ninety days' notice before the end of the year.

**845.** If any land be held in said City under a lease for a month, or any less period than a year, and the tenant continues to occupy under such lease after its expiration, he shall be deemed a tenant for such period as the premises were originally leased to him, and so from such period to such period; and if his landlord give him thirty days' notice before the termination of any period of his tenancy, it shall terminate such tenancy.

**846.** If lands or tenements be held in said City by tenancy at will, at sufferance or *pur autre vie*, thirty days' notice by the landlord or reversioner to the tenant or occupant shall terminate such tenancy at the expiration of thirty days.

**847.** Any of the tenancies mentioned in the three preceding sections may be terminated by the tenant's giving notice to the landlord thirty days previous to the end of the year, or other period for which he holds the same.

**848.** The notice required by the preceding sections shall be in writing and served on the tenant, or left at his place of abode or business, or served on his agent or servant, or served on any occupant of the premises; and if there be no person living on the premises the same may be served by being set up on a conspicuous part of the premises.

**849.** Such notice shall be sufficient in form if it contains a request by the landlord to the tenant to leave the premises, or if it state the intention of the tenant to leave the same, and it need not state the time when the tenant is requested to leave the same, or when the tenant intends to do so.

**850.** Such notice, without any additional notice, shall entitle the landlord to the benefit of the law providing for the speedy recovery of the possession of lands or tenements held over by tenants.

**851.** If by agreement of the parties the time and manner of notice is specified, such notice shall be given as the agreement provides, and when given by the landlord, shall entitle him to all the benefits of the preceding sections, without any other notice.

**852.** One Justice of the Peace of said City shall have all the powers conferred upon two justices and a jury by the Public General Laws in relation to landlords and tenants, subject to appeal as in other cases of judgments by Justices of the Peace in said City.

**853.** If the summons issued for the tenant in a proceeding to dispossess him be returned *non est*, a second summons, returnable in not less than five days shall be issued, and if the tenant shall not be found, a copy of the second summons shall be left with the occupant of the premises, or if they be vacant, affixed to some principal building, or if no building, then set up on the premises; and on the day assigned in the summons for the appearance of the party the Justice shall proceed as if he had appeared.

**854.** The landlord or reversioner may file with the Justice interrogatories to be answered by the tenant touching the tenancy or notice, or for any other matter of evidence in support of the pretensions of said landlord or reversioner, in and about such proceeding.

**855.** If a copy of such interrogatories be served on the tenant, he shall answer the same before the third day, exclu-

sive of the day of service; and upon his failure to answer the matters inquired of by such interrogatories, they shall be taken as confessed by him; but on cause shown, the Justice may give further time for answering, not exceeding eight days in the whole, from and exclusive of the day of service.

**856.** The copies of said interrogatories may be served in the same manner that notices to quit are directed to be served.

**857.** If in any proceeding by a landlord to dispossess a tenant the judgment be in his favor, the Justice shall assess against the tenant holding over the premises, damages not exceeding double the rate of the rent of said tenancy, and also for the expenses of said landlord or reversioner in and about said proceeding, over and above the legal costs thereof, and shall render a judgment therefor in favor of the lessor or reversioner, to be enforced by execution.

**858.** If the Justice shall find against the landlord or reversioner he shall assess such damages as he shall deem just to be paid by him to the tenant, for which, and costs, judgment shall be rendered and enforced as aforesaid.

**859.** In all cases the tenancy mentioned in this sub-division of this Article, if the tenant, after notice, fail to quit at the end of the term, or at a period when he shall begin as aforesaid to be holding over, such tenant, his executors or administrators, may, at the election of the lessor, his heirs, executors, administrators or assigns, be held as a tenant and bound to pay double the rent to which the said tenancy was subject, and payable and recoverable in all respects and to every effect as if, by the original agreement or the understanding as to such tenancy, said double rent were the reserved rent of the demised premises, according to the terms and conditions of payment of such originally reserved rent.

**860.** An appeal may be prosecuted from any judgment of a Justice of the Peace rendered under the provisions of this sub-division of this Article to the Baltimore City Court, in the manner and under the rules prescribed in cases within the ordi-

nary jurisdiction of Justices of the Peace; the tenant, or his executors or administrators, in order to stay any execution of the judgment against them, giving, on such appeals, bond with security, with condition to prosecute the appeal with effect, and to answer to the landlord, his executors and administrators, all costs and damages mentioned in the judgment, and such as shall be further incurred and sustained by reason of said appeal and the delay thence arising.

**861.** Such cases shall not be removable to the Baltimore City Court, at any stage thereof, save by and upon appeal as aforesaid.

**862.** No proceeding to dispossess a tenant holding over, had before any Justice of the Peace and removed by appeal to the Baltimore City Court, shall by such court be reversed or set aside for matter of form; and any case thus removed by appeal, if the proceeding thereunder shall be set aside or appear to be substantially defective, shall be proceeded with in said court in the same manner and to the same effect, upon the claim and complaint and merits, and upon evidence to be adduced therein as it was or might have been competent to said Justice of the Peace to have proceeded therewith.

**863.** Every such appeal shall be tried and finally determined and proceeded with at the first term to which such case shall be removed to the said court, unless for cause shown upon affidavit the court shall otherwise order.

**864.** The provisions of the preceding sections of this sub-division of this Article, relating to tenants holding over, shall extend to the heirs, executors and assigns of lessors and reversioners, and to the executors and all persons holding under tenants, and to all cases where there are two or more tenants, in which case each tenant shall be entitled to the notices and the benefit of each condition contained in the preceding sections of this sub-division of this Article.

#### VAGRANTS, PAUPERS, BEGGARS, VAGABONDS AND DISORDERLY PERSONS.

**865.** The Judge of the Criminal Court of Baltimore, or any Justice of the Peace of the City of Baltimore, upon informa-

tion that any person in said City is a pauper, an habitual beggar, a vagrant, a vagabond or disorderly person, shall issue a warrant or order, to be directed to the Sheriff or any constable or police officer of said City, commanding him to bring the person against whom the information is given, before said Court or said Justice on a day to be named therein, not more than one week from the date of the warrant, to answer to the said charge.

**866.** Every person who has no visible means of maintenance from property or personal labor, or is not permanently supported by his or her friends or relatives, and lives idle, without employment, shall be deemed a pauper; and every person who habitually wanders about and begs in the streets, or from house to house, or sits, stands or takes a position in any place and begs from passers-by, either by words or gestures, shall be deemed an habitual beggar; and every person who wanders about and lodges in outhouses, market-places, or other public buildings or places, or in the open air, and has no permanent place of abode, or visible means of maintenance, shall be deemed a vagrant; and every person who leads a dissolute and disorderly course of life, and cannot give an account of the means by which he procures a livelihood, and every fortune-teller or common gambler, shall be deemed a vagabond or disorderly person.

**867.** Police officers, acting on the request of any person, or upon their own information or belief, shall, without a warrant, arrest and carry before a station-house Justice for examination any such pauper, habitual beggar, vagrant, vagabond or disorderly person, and make complaint against him; *provided*, that in all cases where such arrest is made on request of any person and without warrant, the officer making the arrest shall require the person requesting it to forthwith appear before said Justice and prefer a charge, under oath, against the person so arrested.

**868.** The said Court or said Justice, upon proof that any person is a pauper, an habitual beggar, a vagrant, or a vagabond as aforesaid, shall in the discretion of the said Court or Justice commit said pauper, habitual beggar, vagrant or vaga-

bond to the Maryland House of Correction, or to such other suitable place as may hereafter be provided for said purpose by the Mayor and City Council of Baltimore; *provided*, that any person found to be a pauper or an habitual beggar who may not be able-bodied, but aged, or seriously crippled or infirm, may in the discretion of said Court or Justice be committed to the Almshouse for said City; and that any minor committed under this Section may be sent to any reformatory institution to which minors may be committed under Article 27 of the Code of Public General Laws.

**869.** Whenever any house of refuge, house of correction, workhouse or other house, building or place shall be provided by the Mayor and City Council of Baltimore, to which persons convicted under this sub-division of this Article may be sent, the said Court or said Justice may send them to any such house, building or place, if the Judge of said Court or said Justice consider it to be a more suitable place for the purpose than the Almshouse.

**870.** The Supervisors of City Charities, or the officers of places respectively to which persons convicted under the two preceding sections may be sent, shall keep them during the time for which they are to be kept, so that they cannot escape from said places.

**871.** The said Supervisors of City Charities or other officers respectively shall put such of said persons so convicted as are able to work, to the work which they are best able to do.

**872.** The time for which any person shall be sent to the almshouse, the Maryland House of Correction or other place, as provided by section 868 of this Article, shall not be less than one week nor more than two months for the first conviction, and not less than one month nor more than six months for the second conviction, and not less than six months nor more than twelve months for the third or any subsequent conviction.

**873.** The Supervisors of City Charities or the managers of the House of Refuge or officers of the other places to which persons may be sent as aforesaid, shall respectively have the right to make all proper rules and regulations for the purpose of carrying out the aforesaid provisions.

**874.** Whenever any minor shall be brought before the Judge or Justice as aforesaid, the parents or guardians of such minor, if they be resident within the City of Baltimore, and their names and place of residence be made known to such Judge or Justice, shall be summoned to show cause, if any they have, why such minor should not be sent to the almshouse or other suitable place, or be otherwise punished according to law.

**875.** The said Judge or Justice shall, if a suitable master or mistress can be found, and he judges it best for the minor, bind such minor an apprentice to some useful art, trade or occupation, in the same manner and on the same conditions as apprentices may now be bound by the laws of this State.

**876.** Every unmarried male under twenty-one years of age, and unmarried female under eighteen years of age, shall be considered minors within the meaning of the preceding section.

**877.** The Orphans' Court of Baltimore City shall have concurrent jurisdiction over all cases of minors under the preceding sections of this sub-division of this Article, and exercise all the powers in relation to them which are hereinbefore granted to the Criminal Court and to Justices of the Peace of said City.

**878.** The Criminal Court of Baltimore shall try all cases which may be brought before it in relation to vagrants and beggars, in the same manner and at the same time as cases for assault and battery are now tried by said Court; provided, that the trial shall be by jury, if demanded by the party charged.

**879.** If in any case which may be brought before a Justice of the Peace, or before the Orphans' Court, the party charged shall demand a jury trial, the said Justice or said Court shall certify said case to the Criminal Court of Baltimore, to be proceeded with and tried by said Court in the same manner as if the case had been originally brought before said Court.

**880.** The Justice of the Peace and the Clerk of the Criminal Court and Register of Wills of the Orphans' Court aforesaid, respectively, shall receive the sum of twenty-five cents for issu-

ing every warrant, and fifty cents for making out every commitment or indenture of apprenticeship of such vagrants or beggars; and the constable, Sheriff or police officer, for serving said warrant and bringing the person charged before either of said Courts, or before said Justice, shall receive the sum of fifty cents, and for carrying any person committed to the place of commitment, the sum of fifty cents, which several sums shall be paid as other costs in criminal cases are now paid; but either of said Courts or said Justice may at discretion, adjudge that the said costs shall be paid by the informer, in cases where the person charged is acquitted.

#### VAGRANT CHILDREN.

**881.** No minor, if a girl, under the age of sixteen years, and if a boy, under the age of fourteen years, shall be admitted or permitted to remain in any saloon, place of entertainment or amusement known as dance-houses, concert saloon, theatre or varieties, where immoral, indecent, obscene or vulgar language, display or performance is permitted, allowed or carried on, or where any spirituous liquors, wines, intoxicating or malt liquors are sold, exchanged or given away, unless accompanied by parents or guardian. Any proprietor, keeper or manager of any such place who shall admit such minor to or permit him or her to remain in such place, unless accompanied by parent or guardian, shall be guilty of a misdemeanor, and shall, upon conviction by any court of competent jurisdiction, be fined ten dollars and costs for each and every offence.

**882.** Every person having the custody of any girl under the age of sixteen years and of any boy under the age of fourteen years shall restrain such child from habitually begging, whether actually begging or under the pretence of peddling. Any person offending under this section shall be considered and deemed as incapable of taking care of and providing for such child, and such child, by reason thereof, be deemed as coming within the conditions of the next succeeding section.

**883.** Any girl apparently under the age of sixteen years, and any boy apparently under the age of fourteen years, that comes within any of the following descriptions named: that is



known to be habitually begging or receiving alms, whether actually begging or under the pretence of peddling or offering for sale anything, or being in any street, road or public place for the purpose of so begging, gathering or receiving alms; that is found wandering and not having any home or settled place of abode or proper guardianship or visible means of subsistence; that is found destitute, either being an orphan or having a vicious parent who is undergoing penal servitude or imprisonment; that frequents the company of reputed thieves or prostitutes, or houses of assignation or prostitution, or dance-houses, concert saloons, varieties, or places specified in section 881 hereof, without a parent or guardian, shall be arrested and brought before a Court or Justice of the Peace. When, upon examination before a Court or Justice of the Peace it shall appear that any such child has been engaged in any of the aforesaid acts, or comes within any of the aforesaid descriptions, such Court or Justice, when he shall deem expedient for the welfare of the child, shall commit such child to an orphan asylum, charitable or other institute, or make such other disposition thereof as now is or may hereafter be provided by law in case of vagrants, truant, disorderly, pauper or destitute children; provided, however, that none of the provisions of this sub-division of this Article shall be construed so as to prevent children from selling or offering for sale newspapers.

884. Any person representing himself or herself to be, or passing himself or herself off as the parent or guardian of a child or children referred to in any of the aforesaid sections of this sub-division of this Article, when it shall appear that such person is not either the parent or guardian of said child, shall be deemed guilty of a misdemeanor, and upon conviction by any court of competent jurisdiction shall be fined not more than twenty dollars and costs for each and every offence.

*Boys' Home.*

885. The special objects and purposes of the Boys' Home Society shall be to shelter and protect destitute and homeless boys, to furnish them with food, raiment and lodging, to stimulate them to honest efforts to earn a livelihood, to instruct them after working hours in moral and religious truths and in

the rudiments of education, to aid and encourage them out of vagrancy and ignorance, to raise them up into a better life of virtue, industry and usefulness, and generally to stand in the relation of parent to such homeless boys.

**886.** The Boys' Home shall have authority to procure the commitment of any minor in the Home, either to the House of Refuge or to any other reformatory institution, in all cases where, by reason of incorrigible or vicious conduct such minor has rendered his control beyond the power of the superintendent of said Home, and made it manifestly requisite that from regard for the morals and future welfare of such minor and the peace and order of society he should be placed in such reformatory institution; and the said society shall proceed in all such cases in the same manner in all respects as the parent or guardian of such minor might or could do under existing laws.

**887.** The said society shall have power to place the boys committed to their care, during the minority of such boys, at such employments and cause them to be instructed in such branches of useful knowledge as may be suited to their years and capacities.

*Dolan Children's Aid Society.*

**888.** The Dolan Children's Aid Society, under the charge of the Young Catholics' Friend Society, may exercise all the powers conferred by law upon any other children's aid society in the City of Baltimore.

*Hebrew Orphan Asylum.*

**889.** The Hebrew Orphan Asylum of Baltimore City, and the officers and board of directors thereof, subject to the power hereinbefore in this Article conferred upon the Supervisors of City Charities, shall have the exclusive care, charge, custody and control of all children whom they shall receive into said asylum, until they shall be, if males, twenty-one years old; if females, eighteen years old, or any shorter period for which they may be received by said corporation; and to bind them out for a time not exceeding said ages of

twenty-one and eighteen years, respectively, or such shorter period as aforesaid, as apprentices to learn any profession, trade, business or useful occupation; or may, under terms proper in the view of the said officers and board of directors, and to be stipulated by them, place them for adoption, or as inmates with any families or persons; said corporation, in the exercise of any of these powers of binding or placing out, not being limited to places within this State; and all such acts of binding or placing out being required to be in writing, signed by the president or vice-president of said corporation, and by the persons taking the children as apprentices as aforesaid, and acknowledged by said signers before a Justice of the Peace of Baltimore City, Notary Public, or a Commissioner of Deeds of the State of Maryland, and recorded in the office of the Register of Wills of Baltimore City.

*Home of the Friendless.*

**890.** The Justices of the Peace for Baltimore City may commit to or the Supervisors of Charities may place in the care and charge of the Home of the Friendless, instead of sending to the almshouse, all children, whether male or female, who are destitute or suffering for want of support, or who may be found begging about the streets of the City, or who are children of beggars

**891.** The Home of the Friendless, and the managers thereof, subject to the powers hereinbefore in this Article conferred on the Supervisors of City Charities, may retain the said children under their care until they shall be eighteen years of age, or for any shorter period, and may bind them out for a time not to exceed the age of eighteen years in the case of females, and of twenty-one years in the case of males, as apprentices to learn any trade or business, or in the case of females, also to learn to be useful in housewifery, or may under terms proper, in view of the said managers, and to be stipulated by them, place them for adoption, or as inmates with any families or persons; and the said corporation in the exercise of any of the powers vested in them by this section, of binding or placing out said minors, shall not be limited to places within the State.

**892.** All instruments binding or placing out said children shall be in writing, signed by the president and at least two managers of said corporation, and by the persons taking the children as apprentices or otherwise, and shall be acknowledged by the person signing the same before a Justice of the Peace for Baltimore City, and within six months from the date thereof recorded in the office of the Register of Wills of said City.

**893.** If any parent or guardian or any Judge of the Orphans' Court of Baltimore City, or any Justice of the Peace for said City shall place under the care and control of the Home of the Friendless, any child, whether male or female, under the age of eighteen years, of the description of children hereinbefore mentioned, or as suffering through the extreme indigence or vagrancy or bad habits or neglect of parents, or from cruelty of intemperate parents, or as being illegitimate, or children of persons out of the State without sufficient sustenance, the said corporation and the managers thereof shall hold and control such children, with power to bind or place them out as hereinbefore provided, subject, however, to the powers hereinbefore in this Article conferred on the Supervisors of City Charities.

**894.** Any constable or police officer of said City, upon application of any manager of the Home of the Friendless, or of his own accord, may carry before any Judge of the Orphans' Court for said City, or any Justice of the Peace, any child of the description mentioned in the preceding section, to be dealt with as therein provided.

*Protestant Infant Asylum.*

**895.** The Protestant Infant Asylum of Baltimore City, a corporation duly incorporated under the laws of this State, subject to the powers as hereinbefore in this Article conferred upon the Supervisors of City Charities, is authorized and empowered to receive into its custody, care and control, all such foundlings and orphans and other destitute infants under the age of four years as shall be committed, by

instrument of writing, under the hand of the party so committing to its keeping, by the parents, guardians or others having the right of disposition, or by any Orphans' Court or Justice of the Peace of this State (if of the class of children whom such Court or Justice could lawfully bind out as apprentices, which commitment to the said Protestant Infant Asylum of Baltimore City such Orphans' Courts and Justices are hereby empowered to make), and retain under its care, charge and restraint each of such foundlings and infant children so committed to its keeping until he or she shall have attained the full age of fourteen years, or for any shorter period, and at or before said age to bind out any and every one of said foundlings and infants for a term of time not exceeding the age of twenty-one years, if the child be a male, or of eighteen years, if the child be a female, as an apprentice to learn any trade or business suitable to the sex of the child, or to learn to be useful in housewifery, or to place them for adoption or as inmates with any families or persons, or transfer them to the custody, charge, care and training of any corporate or other home, asylum or other association authorized by law to receive such children, and retain or bind them out in this State; provided, that all such acts of binding, placing or transferring shall be evidenced by instrument of writing, signed by the president of said Protestant Infant Asylum of Baltimore City, and by the person or corporation taking such child as apprentice, or for adoption, or for subsequent custody, care and rearing, and by such signers acknowledged before a Justice of the Peace of this State, and within one month from the date thereof recorded in the office of the Register of Wills of Baltimore City, at the expense of the party so taking, receiving or adopting; and provided, also, that the said Protestant Infant Asylum of Baltimore City shall keep a fair record, in a suitable book, of the admission of all children so received into its custody and care, in which shall be stated the date of admission, the name and age of the child at the time of admission, the name of the person or Justice by whom or the Court by which committed, and the name of the nearest relatives when known to the corporation or its officer charged with the admission of inmates.

*St. Vincent's Orphan Asylum.*

**896.** Any Justice of the Peace of the City of Baltimore may commit to, or the Supervisors of City Charities may place in the care of the St. Vincent's Orphan Asylum of the City of Baltimore, foundlings and all children who may be destitute or suffering for want of support, either as orphan children or because of the extreme indigence or vagrancy, or bad habits or neglect of parents, or who may be found begging about the streets of said City, or who may be the children of beggars; provided, however, that such children shall be under the age of six years when so committed, and that the commitment shall be in writing, signed by the person making the same.

**897.** All children who shall be committed or placed as aforesaid, subject to the powers hereinbefore in this Article conferred on the Supervisors of City Charities, shall remain subject to the power and control of the officers and directors of said asylum, and may be bound or apprenticed or otherwise disposed of by said officers and directors, as fully and in the same manner as is provided for the foundlings and infant orphan children in said asylum, by the Act of the General Assembly of 1862, chapter 93, entitled "An Act to authorize the Saint Vincent's Infant Asylum of the City of Baltimore to bind out and control the destitute children under their care."

*Henry Watson Children's Aid Society.*

**898.** The Judges of the Orphans' Court of Baltimore City, the Judge of the Criminal Court and any Justice of the Peace are authorized and empowered to deal with and commit to, and any police officer or constable or the Supervisors of City Charities may take charge of and place temporarily in the care of the President and Board of Managers of the Children's Aid Society of Baltimore, any minor, whether male or female, in the same manner and under the same circumstances as they are authorized to deal with and commit minors to or place them in the care and charge of the Home of the Friendless, under this subdivision of this Article; and the President and Board of Man-

agers of said Children's Aid Society of Baltimore, are vested in regard to all minors, male or female, with all the rights, powers and authority which the Home of the Friendless or the President and Managers thereof by this sub-division of this Article are vested with; and are to observe the same forms and regulations in regard to the binding out, adopting or otherwise disposing of minors, male and female, committed to them by virtue of this section.

**899.** The children received under the care and charge of the corporations and institutions mentioned in this sub-division of this Article shall be and remain under their control and restraint and under their charge, and of the officers and managers and agents thereof, and bound to obedience to their rules, regulations and discipline, to every effect as apprentices are bound in respect to their masters and mistresses, and subject to all laws concerning the duties, liabilities, privileges and rights of apprentices, subject, however, to the powers hereinbefore in this Article conferred upon the Supervisors of City Charities.

#### WAITRESSES IN PLACES OF PUBLIC AMUSEMENT.

**900.** It shall not be lawful for any proprietor, lessee or manager of any theatre, museum or other place of amusement, to employ women or girls as waiters, or to permit them to act in such theatre or place of amusement, or among the audience or frequenters of such theatre or place of amusement as waiters, or for the purpose or under the pretence of selling, serving, receiving orders or pay for spirituous or malt liquors, wines, lager beer, or any other refreshments or merchandise.

**901.** Any person violating the provisions of the preceding section shall be deemed guilty of a misdemeanor, and on conviction thereof in the Criminal Court of Baltimore, shall be sentenced to pay a fine of not less than one hundred nor more than one thousand dollars, or to imprisonment in jail not less than one month nor more than six months, or to both fine and imprisonment, at the discretion of the court, and to forfeiture of license, one-half the fine to be paid to the informer and the other half to the State.

## WATER.

*Lake Roland, Reservoirs and Dams.*

**902.** If any person shall wilfully pollute the water in any lake, dam, reservoir, line of conduit, water-pipe, gate-house, or other work constructed or used for supplying the City of Baltimore with water, by swimming, bathing or washing therein, or by washing, or causing to be washed therein, or so near thereto as to pollute the water therein, any clothes, the skin of any dead animal, or any impure, fetid or noxious animal or vegetable matter, or shall throw, or cause to be thrown therein, or so near thereto as to pollute the water therein, any impure, fetid, or noxious animal or vegetable matter, the person so offending shall forfeit and pay a sum not less than five nor more than fifty dollars for each offence.

**903.** If any person shall erect, or cause to be erected, any privy, hog pen, bleaching or dyeing establishment, or other thing, over any lake, dam, reservoir, line of conduit, water-pipe, gate-house or other work constructed or used for supplying the City of Baltimore with water, or so near thereto as to pollute or discolor the water therein, the person so offending shall forfeit and pay a sum not exceeding fifty dollars, and the further sum of ten dollars for each and every day the same shall remain after notice to remove same shall have been given.

**904.** If any person shall injure, or cause to be injured, defaced or destroyed, any dam, reservoir, line of conduit, water-pipe, gate-house, stop-cock, or other thing used for supplying the City of Baltimore with water, the person so offending shall forfeit and pay a sum of not less than five nor more than fifty dollars for each offence.

**905.** All fines and forfeitures imposed by the preceding section shall be recoverable by warrant before any Justice of the Peace in and for the City of Baltimore, or in and for Baltimore county, according to the respective jurisdiction under which any of the offences herein set forth may be committed;



one-half to the informer and the other half to the Mayor and City Council of Baltimore.

906. The two preceding sections shall not be construed to exempt any person who may have been fined for a violation thereof, or who may be charged with a violation thereof, from an action of damages for any injury or destruction of any part of the works used in supplying the City of Baltimore with water, in any suit for damages on account of said injury, brought by the Mayor and City Council of Baltimore.

SECTION 2. *And be it further enacted*, That this Act shall not affect or impair any right vested or acquired and existing at the time of the passage of said Act; *provided*, that this section shall not be construed to make irrepealable or irrevocable any right which before the passage of this Act was repealable or revocable; nor shall said Act impair, discharge or release any contract, obligation, duty, liability or penalty whatever now existing. All suits and actions, both civil and criminal, pending or which may hereafter be instituted for causes of action now existing or offences already committed against any law or ordinance repealed by this Act, shall be instituted, proceeded with and prosecuted to final determination and judgment as if this Act had not been passed. No tax levied or any proceeding taken for the collection of any such tax or the enforcement of the payment of the same, before the passage of this Act, or the taxes levied for the year eighteen hundred and ninety-eight, if levied after the passage of this Act, shall in any manner be affected by the passage of this Act, and the mode of procedure in any such matter shall be the same as if this Act had not been passed.

SECTION 3. *And be it further enacted*, That all laws now in force relating or applicable to the Mayor and City Council of Baltimore or the City of Baltimore, and not included in this Act, and not inconsistent with said Act, and all ordinances of the Mayor and City Council of Baltimore now in force and not inconsistent with this Act, shall be and they are hereby continued until changed or repealed, respectively, by the General Assembly of Maryland or the Mayor and City Council of

Baltimore, *provided*, that all Acts or parts of Acts passed at the session of the General Assembly of Maryland in the year eighteen hundred and ninety-eight, relating to the Mayor and City Council of Baltimore, or the City of Baltimore, or in any manner amending or adding to Article 4 of the Code of Public Local Laws, as said Article existed before the passage of this Act, shall in no wise be affected by the passage of this Act, but all such laws shall have the same force and effect as if this Act had not been passed. The provisions of this Act shall not have the effect to enlarge or extend in any manner the rights or privileges of the Mayor and City Council or other authorities of the City of Baltimore outside of the limits and boundary of said City, beyond or in addition to those now limited to, and exercised by said City under the present laws.

SECTION 4. *And be it further enacted*, That all officers provided for or named in said Act, whether by election or appointment, shall continue to hold, exercise and discharge the duties of their respective offices, until they shall be superseded under the provisions of said Act, and until their successors shall be duly qualified, and nothing contained in said Act shall be construed to interfere with the continuity of the terms or tenure of any of said officers ; nor shall a reappointment or re-election of any of said officers be necessary in order to secure the said continuity of their said terms and tenures of office, unless otherwise provided in said Act.

SECTION 5. *And be it further enacted*, That this Act shall take effect from the date of its passage, and this Act shall not be published, nor a certified copy of the same furnished to the City Register, as required by the provisions of Article 76 of the Code of Public General Laws.

APPROVED MARCH 24, 1898, 4:37 P. M.

# LAWS RELATING TO BALTIMORE CITY

PASSED BY THE LEGISLATURE OF 1900, AND  
NOT CODIFIED.

## ACT OF 1900, CHAPTER 149.

*An Act to Prohibit the Laying of Railways Tracks Upon Chase Street, Between Broadway and Maryland Avenue, in the City of Baltimore, Without the Consent of the General Assembly.*

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That it shall not be lawful for any person or corporation to lay any railway tracks upon Chase Street, between Broadway and Maryland Avenue, in the City of Baltimore, without the consent of the General Assembly of Maryland.

SECTION 2. *And be it further enacted,* That this Act shall take effect from the date of its passage.

## ACT OF 1900, CHAPTER 150.

*An Act to Authorize the Governor to Appoint Ten Additional Notaries Public for Baltimore City.*

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the Governor, by and with the advice and consent of the Senate, be and he hereby is authorized to appoint ten (10) Notaries Public for Baltimore City, in addition to the number now authorized by law.

SECTION 2. *And be it enacted,* That this Act shall take effect from the date of its passage.

## ACT OF 1900, CHAPTER 152.

*An Act to Authorize the Mayor and City Council of Baltimore to Issue the Stock of Said Corporation to an Amount Not Exceeding One Million, Three Hundred and Fifty Thousand Dollars, for the Purpose of Providing a Public Lighting Plant to Supply Light to Said City and to the Inhabitants Thereof, and to Authorize the Submission of an Ordinance for that Purpose to the Legal Voters of Said City.*

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the Mayor and City Council of Baltimore be and is

hereby authorized to issue its stock to an amount not exceeding One Million Three Hundred and Fifty Thousand Dollars, to be issued from time to time in such amounts, and payable at such time, and bearing such rate of interest, as the said Mayor and City Council of Baltimore shall by ordinance prescribe. The proceeds of said issue to be used to provide a Public Lighting Plant to supply the said City and the inhabitants thereof with light, but said stock shall not be issued unless the Mayor and City Council shall by ordinance determine to erect and equip such Public Lighting Plant, and unless the ordinance providing for the issue of said stock shall be approved by a majority of the legal voters of said City, cast at some time and place to be fixed by said ordinance in a provision for submitting the same to the legal voters of said City, as required by Section 7 of Article XI of the Constitution of this State.

SECTION 2. *And be it further enacted*, That this Act shall take effect from the date of its passage.

ACT OF 1900, CHAPTER 263.

*An Act to Provide a Special Fund, as Authorized by Chapter 123, Section 2, of the Acts of the General Assembly of Maryland, Session 1898, Title "City of Baltimore," sub-Title "Charter," sub-Title "General Powers," sub-Title "Police," and to Care For and Regulate the Distribution of Said Fund.*

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That the Mayor and City Council of Baltimore shall, upon the request of the Board of Police Commissioners of the City of Baltimore, appropriate annually a sum of money for the relief of disabled and superannuated members of the police force of Baltimore City, and for the relief of widows and children of policemen who may be killed in the discharge of duty, whenever the special fund of said Board of Police is not sufficient for the payment authorized by and under the Acts of the General Assembly heretofore passed.

SECTION 2. *And be it enacted*, That this Act shall take effect from the date of its passage.

## ACT OF 1900, CHAPTER 269.

*An Act to Provide Additional Revenue for the Special Fund of the Board of Police Commissioners of the City of Baltimore, to be Derived From the Granting or Issuing Permits to Give Public Dances, Soirees, Masked Balls, Boxing or Athletic Contests, or Either of Them, in the City of Baltimore.*

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the Board of Police Commissioners of the City of Baltimore are hereby authorized to issue permits for the giving or holding of public dances, soirees, masked balls, boxing or athletic contests, or either of them, in the City of Baltimore.

SECTION 2. No public dance, soiree, masked ball, boxing or athletic contest, or other public entertainment of like kind, to or for which an admission fee shall be charged, shall be held, given or permitted in the City of Baltimore except upon conditions that a license or permit fee of not less than five dollars nor more than one hundred dollars shall first be paid to the Secretary of the Board of Police Commissioners, who are authorized to demand and receive the same for the benefit of the special fund; *provided*, that nothing herein contained shall interfere with any permits authorized, issued or collected by the authority of the Mayor and City Council of Baltimore City.

SECTION 3. *And be it enacted by the General Assembly of Maryland,* That this Act shall take effect from the date of its passage.

## ACT OF 1900, CHAPTER 274.

*An Act Directing the Appeal Tax Court of Baltimore City Not to Issue Any Permit for the Erection of New Buildings in Said City Until All Taxes Due Are Paid on the Land Upon Which Said Buildings Are to Be Erected.*

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That before the Appeal Tax Court of Baltimore City grants any permit for the erection of new buildings, it shall be shown to the said Court to its satisfaction that all taxes due and unpaid are fully paid upon the land on which said new buildings are proposed to be erected, and no permit as aforesaid shall be issued until the Court is so satisfied, and an appeal is allowed from this, as in other cases before said Court, as is allowed by law.

SECTION 2. *And be it further enacted*, That this Act shall take effect from the date of its passage.

ACT OF 1900, CHAPTER 280.

*An Act to Ratify and Confirm the Ordinance of the Mayor and City Council of Baltimore, Number 32, Approved February 8, 1900, Supplementary to, and in Amendment of, Ordinance Number 18, Approved March 9, 1898, the Subject-Matter of Both of Said Ordinances Being the Issuing of the Stock of the Mayor and City Council of Baltimore for the Purpose of Paying Certain Mortgage Bonds of the Western Maryland Railroad Company, Guaranteed by the Mayor and City Council of Baltimore; and for the Purpose of Paying Certain Stock of the Mayor and City Council of Baltimore Theretofore Issued By It on Behalf of the Western Maryland Railroad Company.*

*Whereas*, by the Act of Assembly of Maryland of 1898, Chapter 210, approved April 7, 1898, the Ordinance of the Mayor and City Council of Baltimore, No. 18, approved March 9, 1898, was ratified and confirmed, and full power and authority was, by said Act of Assembly, conferred upon the Mayor and City Council of Baltimore to issue and sell the stock mentioned in said ordinance, and to execute the mortgage to the Mayor and City Council of Baltimore therein mentioned; and

*Whereas*, said ordinance was subsequently submitted to the legal voters of the City of Baltimore, and by a majority of them duly approved; and

*Whereas*, subsequently thereto the Mayor and City Council of Baltimore passed an ordinance supplementary to, and in amendment of, said Ordinance No. 18, approved March 9, 1898, which supplementary and amending ordinance was approved February 8, 1900, being Ordinance No. 32, the title whereof is set forth in the first Section of this Act. Now, therefore :

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That the ordinance of the Mayor and City Council of Baltimore, approved February —, 1900, being Ordinance No. —, and entitled “ An ordinance supplementary to, and in amendment of Ordinance No. 18, approved March 9, 1898, entitled ‘ An ordinance to provide for issuing the stock of the Mayor and City Council of Baltimore, and to sell the same for the purpose of providing means to enable the Western Maryland Rail-

road Company to pay and extinguish all of its third mortgage bonds amounting to eight hundred and seventy-five thousand (\$875,000) dollars, guaranteed by the Mayor and City Council of Baltimore, when the same shall mature on the first day of January, 1900; and also to enable the Mayor and City Council of Baltimore to pay and extinguish one million (\$1,000,000) dollars of the stock of the Mayor and City Council of Baltimore loaned to the Western Maryland Railroad Company, and falling due on the first day of January, 1902, secured by a covenant of the Western Maryland Railroad Company with the Mayor and City Council of Baltimore, bearing date the third day of April, 1872, and recorded among the Land Records of Baltimore City, in Liber G. R. No. 561, folio 16, etc., and to provide a sinking fund for the redemption of the stock authorized to be issued by this ordinance,' " be and the same is hereby ratified and confirmed, and it shall have the same force, effect and operation in all respects whatsoever, as if before its passage, the Mayor and City Council of Baltimore had been, by an Act of the General Assembly of Maryland, expressly authorized to pass the said ordinance.

SECTION 2. *And be it further enacted,* That this Act shall take effect from the date of its passage.

#### ACT OF 1900, CHAPTER 442.

*An Act to Amend Section 653G of Article IV, entitled "License," sub-Title "Liquor and Intoxicating Drinks," of the Code of Public Local Laws of Maryland.*

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 653G, of Article IV, of the Code of Public Local Laws, entitled "Elections," sub-title "Liquor and Intoxicating Drinks," be amended and re-enacted so as to read as follows:

SECTION 653G. Every person applying for a license to sell intoxicating liquors in said City shall file with the said Board his, her or their petition for such license, and the Board shall cause notification of said petition to be published three times in three newspapers of general circulation in said City, (one of which shall be printed in the German language) to be designated by said Board, the first publication to be not less than fifteen nor more

than thirty days before the time fixed by the Board for action on said petitions.

ACT OF 1900, CHAPTER 446.

*An Act to Add a New Section to Article LVI, of the Code of Public General Laws, Title "Licenses," to Follow Section 81B, and to Be Designated as Section 81C.*

*Whereas*, as the money derived from the liquor licenses in the City of Baltimore is divided in the proportion of three-fourths to the City of Baltimore, and one-fourth to the State, and

*Whereas*, Chapter 246, of the Acts of 1898, required the clubs, societies and associations in the City of Baltimore selling intoxicating liquor to take out licenses, as provided in said Act, and the revenue so derived should be divided in the above proportions. Therefore,

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That one new Section be and the same is hereby added to Article LVI, of the Code of Public General Laws, title "License," to follow Section 81B, the said Section 81B having been added to Article LVI, of the Code, by Chapter 246, of the Laws of 1898, to be designated as Section 81C, and to read as follows:

SECTION 81C. The whole of the money received by the Clerk of the Court of Common Pleas in the City of Baltimore for the licenses granted shall be paid over quarterly by the said Clerk of the Court of Common Pleas to the State, as now provided by law, and when so paid over, the Comptroller of the Treasury shall draw his warrant upon the Treasurer of the State of Maryland in favor of the Mayor and City Council of Baltimore for three-quarters thereof, to be applied to the general use of said City.

SECTION 2. *And be it enacted*, That this Act shall take effect from the date of its passage.





